



Iowa General Assembly
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February 25, 2013

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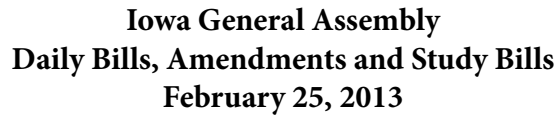
House File 309 - Introduced

HOUSE FILE 309
BY LUNDBY

A BILL FOR

1 An Act relating to the definition of resident for purposes of
2 undergraduate tuition and fees at community colleges and
3 institutions of higher learning governed by the state board
4 of regents.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2309YH (2) 85
kh/sc



1 Section 1. Section 260C.14, subsection 14, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. c. Adopt rules to classify as a resident,
4 for purposes of tuition and mandatory fees, a person who meets
5 the following criteria:

9 (2) While a resident of this state in a previous year,
10 was enrolled in, and classified as a resident for purposes of
11 tuition and mandatory fees by, an Iowa community college or an
12 institution of higher learning governed by the state board of
13 regents.

16 NEW PARAGRAPH. c. Adopt rules to classify as a resident,
17 for purposes of undergraduate tuition and mandatory fees, a
18 person who meets the following criteria:

22 (2) While a resident of this state in a previous year,
23 was enrolled in, and classified as a resident for purposes of
24 tuition and mandatory fees by, an Iowa community college or an
25 institution of higher learning governed by the state board.

27 This bill requires community colleges and the state
28 board of regents to classify as a resident for purposes of
29 undergraduate tuition and mandatory fees a person who either
30 attended an accredited school in this state for at least four
31 consecutive years as of the date the person graduated from
32 an accredited Iowa high school or, while a resident of this
33 state in a previous year, was enrolled in, and classified as a
34 resident for purposes of tuition and mandatory fees by, an Iowa
35 community college or an institution of higher learning governed

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1 by the state board of regents.



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House File 310 - Introduced

HOUSE FILE 310
BY HANSON

A BILL FOR

1 An Act relating to the nomination and appointment of district
2 judges and associate juvenile judges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1299YH (3) 85
jm/nh



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H.F. 310

1 Section 1. Section 46.14, Code 2013, is amended to read as
2 follows:

3 **46.14 Nomination — residence.**

4 1. Each judicial nominating commission shall carefully
5 consider the individuals available for judge, and within sixty
6 days after receiving notice of a vacancy shall certify to the
7 governor and the chief justice the proper number of nominees,
8 in alphabetical order. Such nominees shall be chosen by the
9 affirmative vote of a majority of the full statutory number
10 of commissioners upon the basis of their qualifications and
11 without regard to political affiliation. Nominees shall be
12 members of the bar of Iowa, shall be residents of the state or
13 ~~district of the court to which they are nominated~~, and shall
14 be of such age that they will be able to serve an initial and
15 one regular term of office to which they are nominated before
16 reaching the age of seventy-two years. ~~Nominees for district~~
17 ~~judge shall file a certified application form, to be provided~~
18 ~~by the supreme court, with the chairperson of the district~~
19 ~~judicial nominating commission.~~ Absence of a commissioner or
20 vacancy upon the commission shall not invalidate a nomination.
21 The chairperson of the commission shall promptly certify the
22 names of the nominees, in alphabetical order, to the governor
23 and the chief justice.

24 2. An applicant for district judge shall file a certified
25 application form, to be provided by the supreme court, with the
26 chairperson of the district judicial nominating commission. A
27 district judge appointee shall be a resident of the judicial
28 district before assuming office or, if the judicial district
29 is divided into judicial election districts, the appointee
30 shall be a resident of the judicial election district where the
31 nomination occurred before assuming office.

32 ~~2.~~ 3. A commissioner shall not be eligible for nomination
33 by the commission during the term for which the commissioner
34 was elected or appointed to that commission. A commissioner
35 shall not be eligible to vote for the nomination of a family

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1 member, current law partner, or current business partner. For
2 purposes of this subsection, "*family member*" means a spouse,
3 son, daughter, brother, sister, uncle, aunt, first cousin,
4 nephew, niece, father-in-law, mother-in-law, son-in-law,
5 daughter-in-law, brother-in-law, sister-in-law, father, mother,
6 stepfather, stepmother, stepson, stepdaughter, stepbrother,
7 stepsister, half brother, or half sister.

8 Sec. 2. Section 602.7103C, subsections 2 and 3, Code 2013,
9 are amended to read as follows:

10 2. A person does not qualify for appointment to the office
11 of full-time associate juvenile judge unless the person is
12 at the time of appointment a resident of the ~~county~~ judicial
13 election district in which the vacancy exists, licensed
14 to practice law in Iowa, and will be able, measured by the
15 person's age at the time of appointment, to complete the
16 initial term of office prior to reaching age seventy-two. An
17 applicant for full-time associate juvenile judge shall file
18 a certified application form, to be provided by the supreme
19 court, with the chairperson of the county magistrate appointing
20 commission.

21 3. A full-time associate juvenile judge must be a resident
22 of ~~a county~~ the judicial election district in which the
23 office is held during the entire term of office. A full-time
24 associate juvenile judge shall serve within the judicial
25 district in which appointed, as directed by the chief judge,
26 and is subject to reassignment under section 602.6108.

27 EXPLANATION

28 This bill relates to the nomination and qualifications of
29 district judges and associate juvenile judges.

30 The bill specifies that a district judge appointee shall
31 be a resident of the judicial district where the nomination
32 occurred before assuming office. If the judicial district is
33 divided into judicial election districts, the bill specifies
34 the appointee shall be a resident of the judicial election
35 district where the nomination occurred before assuming office.

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1 The bill modifies the residency requirements of a full-time
2 associate juvenile judge. Under the bill, a full-time
3 associate juvenile judge is required at the time of appointment
4 to reside in the judicial election district where the vacancy
5 exists. The bill also requires a full-time associate juvenile
6 judge to reside in the judicial election district in which the
7 office is held during the entire term of office.

8 Current law requires a full-time associate juvenile judge
9 at the time of appointment to reside in the county in which the
10 vacancy exists and to reside in the county in which the office
11 is held during the entire term of office.



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House File 311 - Introduced

HOUSE FILE 311
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 72)

A BILL FOR

1 An Act relating to water quality.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1195HV (2) 85
tm/nh



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H.F. 311

1 Section 1. Section 455B.103A, subsection 1, paragraph b,
2 Code 2013, is amended to read as follows:
3 b. Following the effective date of a general permit, a
4 person proposing to conduct activities covered by the general
5 permit shall provide a notice of intent to conduct a covered
6 activity on a form provided by the department. A person shall
7 also provide public notice of intent to conduct activities
8 other than storm water and allowable nonstorm water discharges
9 covered under the general permit by publishing notice in two
10 newspapers with the largest circulation in the area in which
11 the facility is located. Notice of the discontinuation of
12 a permitted activity other than storm water and allowable
13 nonstorm water discharges shall be provided in the same manner.

14 Sec. 2. Section 455B.186, Code 2013, is amended to read as
15 follows:

16 **455B.186 Prohibited actions.**

17 1. A pollutant shall not be disposed of by dumping,
18 depositing, or discharging such pollutant into any water of
19 the state, except that this section shall not be construed to
20 prohibit the discharge of adequately treated sewage, industrial
21 waste, or other waste ~~pursuant to a permit issued by the~~
22 ~~director~~ in accordance with rules adopted by the commission. A
23 pollutant whether treated or untreated shall not be discharged
24 into any state-owned natural or artificial lake except as
25 authorized in subsection 2.

26 2. A Subsection 1 shall not be construed to prohibit the use
27 or application of a pesticide in accordance with the federal
28 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136
29 et seq. However, an aquatic pesticide shall not be applied
30 to any water of this state which has been classified by the
31 department as a class "A" or class "C", high quality, or high
32 quality resource water, except that this section shall not be
33 construed to prohibit the application of such a pesticide by a
34 certified applicator who is trained in aquatic applications and
35 who has received a permit from the department the United States

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1 except as authorized in accordance with rules adopted by the
2 commission.

3 Sec. 3. Section 455B.265, subsection 1, Code 2013, is
4 amended to read as follows:

5 1. In its consideration of applications for permits, the
6 department shall give priority in processing to persons in the
7 order that the applications are received, except where the
8 application of this processing priority system prevents the
9 prompt approval of routine applications or where the public
10 health, safety, or welfare will be threatened by delay. If the
11 department determines after investigation that the diversion,
12 storage, or withdrawal is consistent with the principles and
13 policies of beneficial use and ensuring conservation, the
14 department shall grant a permit. An application for a permit
15 shall be approved or denied within ninety days from the date
16 that the department receives the complete application. A
17 renewal permit shall be approved or denied by the department
18 within thirty days from the date that the department receives
19 an a complete application for renewal. If the applicant
20 requests an extension of the time allotted, the department
21 may approve the request to allow the applicant more time to
22 submit additional information to resolve a contested or complex
23 application. Regardless of the request in the application, and
24 subject to appeal, the director or the department ~~on appeal~~
25 may determine the duration and frequency of withdrawal and the
26 quantity of water to be diverted, stored, or withdrawn pursuant
27 to the permit. Each permit granted after July 1, 1986, shall
28 include conditions requiring routine conservation practices,
29 and requiring implementation of emergency conservation measures
30 after notification by the department.

31 Sec. 4. Section 466.8, Code 2013, is amended to read as
32 follows:

33 **466.8 On-site wastewater systems assistance program.**

34 1. The department of natural resources shall establish an
35 on-site wastewater systems assistance program for the purpose



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1 of providing low-interest loans to homeowners ~~residing outside~~
2 ~~the boundaries of a city~~ for improving on-site wastewater
3 disposal systems.

4 ~~1.~~ 2. The environmental protection commission shall adopt
5 rules for carrying out the program including but not limited
6 to criteria for homeowner participation, the methods used to
7 provide loans, and financing terms and limits.

8 ~~2.~~ 3. The department may make and execute agreements with
9 public or private entities, including lending institutions
10 as defined in section 12.32, as required to administer the
11 program.

12 ~~3.~~ 4. Assistance provided to homeowners shall not be used
13 to pay the nonfederal share of the cost of any wastewater
14 system projects receiving grants under the federal Clean Water
15 Act, 33 U.S.C. § 1381 - 1387.

16 ~~4. The department shall report to the general assembly~~
17 ~~annually on the progress of the on-site wastewater systems~~
18 ~~assistance program.~~

19 Sec. 5. Section 466.9, subsection 3, paragraph a,
20 subparagraph (1), Code 2013, is amended to read as follows:

21 (1) The financing account which shall be used for the
22 exclusive purpose of providing financing to homeowners ~~residing~~
23 ~~outside the boundaries of a city~~ with improving on-site
24 wastewater systems under the on-site wastewater systems
25 assistance program.

26 EXPLANATION

27 This bill relates to water quality.

28 Currently, there are public notice requirements for the
29 intent to conduct or discontinue permitted activity under
30 certain general permits issued pursuant to Code chapter 455B,
31 459, 459A, or 459B relating to storm water discharge or an air
32 contaminant source. The notice must be given in two newspapers
33 with the largest circulation in the area in which the permitted
34 facility is located. The bill provides that storm water and
35 allowable nonstorm water discharges are not activities that

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1 would require such notice.

2 The bill allows aquatic pesticides to be applied to waters
3 of the United States in accordance with rules adopted by the
4 environmental protection commission.

5 The bill allows an applicant for a permit for diversion,
6 storage, or withdrawal of water to receive a time extension
7 in the permitting process to provide the applicant with more
8 time to submit additional information to resolve a contested
9 or complex application.

10 Currently, a borrower under the on-site wastewater systems
11 assistance program must reside outside the boundaries
12 of a city. The bill eliminates the residential location
13 requirement. The bill also eliminates an annual reporting
14 requirement for the department under the program.



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House File 312 - Introduced

HOUSE FILE 312
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 87)

A BILL FOR

1 An Act providing for certification requirements by persons
2 involved in the management of manure, and including
3 provisions for contingent implementation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1474HV (2) 85
da/sc



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1 Section 1. Section 459.315, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. The department shall adopt, by rule, requirements for
4 the certification, including educational program requirements.
5 The department may establish different educational programs
6 designed for commercial manure service representatives and
7 confinement site manure applicators. The department shall
8 adopt rules necessary to administer this section, including
9 establishing certification standards, ~~which shall at least~~
10 ~~include standards for~~ and continuing instructional courses as
11 provided in this subsection.

12 a. The department shall adopt rules establishing subjects
13 for continuing instructional courses that emphasize practical
14 and cost-effective methods to prevent manure spills and
15 limit the impact of manure spills, especially from manure
16 storage structures. The subjects may also include methods
17 for transporting, handling, storing, and or applying manure;
18 identifying the potential effects of manure upon surface water
19 and groundwater; and procedures to remediate the potential
20 effects of manure on surface water or groundwater.

21 ~~a. b.~~ The department shall adopt by rule criteria for
22 allowing a person required to be certified to complete either
23 a written or oral examination.

24 ~~b. c.~~ The department shall administer the continuing
25 instructional courses, by either teaching the courses or
26 selecting persons to teach the courses, according to criteria
27 as provided by rules adopted by the department. The department
28 shall, to the extent possible, select persons to teach the
29 continuing instructional courses. The department is not
30 required to compensate persons to teach the continuing
31 instructional courses. In selecting persons, the department
32 shall consult with organizations interested in transporting,
33 handling, storing, or applying manure, including the Iowa
34 commercial nutrient applicators association and associations
35 representing agricultural producers. The Iowa cooperative

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1 extension service in agriculture and home economics of Iowa
2 state university of science and technology shall cooperate with
3 the department in administering the continuing instructional
4 courses. The Iowa cooperative extension service may teach
5 continuing instructional courses, train persons selected to
6 teach courses, or distribute informational materials to persons
7 teaching the courses.

8 d. The department shall provide that the continuing
9 instructional courses be made available via the department's
10 internet site, the internet site of a person selected to teach
11 the continuing instructional courses, or the Iowa cooperative
12 extension service in agriculture and home economics of Iowa
13 state university of science and technology.

14 ~~e.~~ e. The department, in administering the certification
15 program under this section, and the department of agriculture
16 and land stewardship, in administering the certification
17 program for pesticide applicators, may cooperate together.

18 Sec. 2. CONTINGENT IMPLEMENTATION. The department of
19 natural resources shall fully implement section 459.315,
20 subsection 3, paragraph "d", as enacted by this Act, as
21 follows:

22 1. The department of natural resources must establish and
23 administer a development project to effectuate the provision.
24 The department shall begin the development project contingent
25 upon being appropriated at least two hundred fifty thousand
26 dollars by the general assembly to support the project. The
27 department shall complete the development project within twelve
28 months after the effective date of the appropriation.

29 2. The department shall fully implement section 459.315,
30 subsection 3, paragraph "d", as enacted by this Act, within
31 twelve months after the development project is completed as
32 provided in subsection 1.

33 3. Section 459.315, subsection 3, paragraph "d", is
34 repealed on July 1, 2018, if the general assembly does not
35 appropriate at least two hundred fifty thousand dollars to the

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1 department of natural resources, as provided in subsection 1,
2 by that date.

3 EXPLANATION

4 BACKGROUND. A person must be certified by the department
5 of natural resources (DNR) in order to apply manure on land
6 (Code section 459.315). Generally, there are two classes of
7 persons required to be certified: (1) a person involved in a
8 confinement feeding operation who is engaged in the application
9 of manure originating from the confinement feeding operation
10 or (2) a person who is associated with a service engaged in
11 the business of transporting, handling, storing, or applying
12 manure (see Code section 459.102 defining "confinement site
13 applicator" and "commercial manure service representative").
14 In order to be certified, a person must complete an educational
15 program which consists of passing an examination or attending
16 three or two hours of continuing instructional courses each
17 year depending on the type of certification. The courses must
18 be taught by the DNR or a person selected by the DNR, including
19 Iowa state university (ISU). The fee for certification is
20 based on the costs of administering the program (see Code
21 sections 459.315 and 459.400).

22 BILL — INSTRUCTIONAL COURSE SUBJECTS. The bill amends a
23 provision which provides that DNR must establish requirements
24 for instructional course subjects. Currently, the curriculum
25 must include methods for transporting, handling, or applying
26 manure; the potential effects of manure upon surface water
27 and groundwater; and procedures to remediate the potential
28 effects of manure on surface water or groundwater. The bill
29 provides that the curriculum must primarily emphasize practical
30 and cost-effective methods to prevent manure spills and limit
31 the impact of manure spills, especially from manure storage
32 structures.

33 BILL — INSTRUCTIONAL COURSES OFFERED VIA THE INTERNET. The
34 bill provides that the DNR must provide that the continuing
35 instructional courses be made available via the department's

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1 internet site, the internet site of a person selected to teach
2 the continuing instructional courses, or ISU. The department
3 is not required to implement this provision of the bill
4 unless the general assembly appropriates \$250,000 to support a
5 development project for its implementation. The provision is
6 repealed if the department is not appropriated that amount by
7 July 1, 2018.



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House Study Bill 169 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

- 1 An Act relating to boiler inspections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2317HC (1) 85
je/sc



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1 Section 1. Section 89.3, subsection 5, paragraph a,
2 subparagraph (4), Code 2013, is amended to read as follows:

3 (4) ~~Either~~ Any of the following:

4 (a) The owner or user is a participant in good standing in
5 the Iowa occupational safety and health voluntary protection
6 program and has achieved star status within the program, which
7 is administered by the division of labor in the department of
8 workforce development.

9 (b) The object is an unfired steam pressure vessel and is
10 part of or integral to the continuous operation of a process
11 covered by and compliant with the occupational safety and
12 health administration process safety management standard
13 contained in 29 C.F.R. § 1910.119 and the owner demonstrates
14 such compliance to a special inspector or the commissioner.
15 The unfired steam pressure vessel must also be included as
16 process safety management process equipment in the owner of
17 the unfired steam pressure vessel's process safety management
18 program.

19 (c) The owner or user is a public utility subject to rate
20 regulation under chapter 476.

21 Sec. 2. Section 89.3, subsection 8, Code 2013, is amended
22 to read as follows:

23 8. ~~Internal inspections~~ Inspections of unfired steam
24 pressure vessels operating in excess of fifteen pounds per
25 square inch and low pressure steam boilers shall be conducted
26 ~~once every two years. External inspections shall be conducted~~
27 annually at least once each calendar year. The inspections
28 conducted over each two-year period shall include an external
29 inspection conducted while the boiler is operating and an
30 internal inspection, where construction permits. No more than
31 one inspection shall be conducted over a six-month period.

32 An internal inspection of an unfired steam pressure vessel
33 or low pressure steam boiler may be required at any time by
34 the commissioner upon the observation by an inspector of
35 conditions, enumerated by the commissioner through rules,

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1 warranting an internal inspection.

2 Sec. 3. Section 89.4, subsection 1, Code 2013, is amended by
3 adding the following new paragraphs:

4 NEW PARAGRAPH. *j.* An electric boiler with a water capacity
5 of six gallons or less that is used as an integral part of an
6 espresso coffee machine, cappuccino coffee machine, or cleaning
7 machine.

8 NEW PARAGRAPH. *k.* Continuous coil-type boilers used only
9 for steam vapor cleaning, to which all of the following apply:

10 (1) The size of the tubing or pipe, with no drums or
11 headers attached, does not exceed three-fourths of one inch in
12 diameter.

13 (2) Nominal water capacity of the boiler does not exceed six
14 gallons.

15 (3) Water temperature in the boiler does not exceed three
16 hundred fifty degrees Fahrenheit.

17 (4) Steam is not generated within the coil.

18 EXPLANATION

19 This bill provides an additional criterion to determine the
20 boilers or pressure vessels that are required to be inspected
21 by the labor commissioner or a designee at least once each
22 year externally while under pressure and at least once every
23 four years internally while not under pressure, unless the
24 commissioner determines an earlier inspection is warranted.
25 The bill provides that this inspection requirement also applies
26 if the owner or user of the boiler or pressure vessel is a
27 public utility subject to rate regulation under Code chapter
28 476.

29 The bill provides for required inspections of unfired steam
30 pressure vessels operating in excess of 15 pounds per square
31 inch to occur at least once a year. The bill provides that
32 such inspections shall include one internal inspection and one
33 external inspection in each two-year period. The bill provides
34 that such inspections shall occur no more than once every six
35 months. The bill also applies this requirement to low pressure

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1 steam boilers.

2 The bill provides for two additional exemptions from
3 Code chapter 89 governing boilers and unfired steam pressure
4 vessels. The bill exempts an electric boiler with a water
5 capacity of six gallons or less that is used as an integral
6 part of an espresso coffee machine, cappuccino coffee machine,
7 or cleaning machine. The bill also exempts continuous
8 coil-type boilers used only for steam vapor cleaning that meet
9 certain criteria.



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House Study Bill 170 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act exempting internet protocol-enabled service and voice
2 over internet protocol service from direct or indirect
3 regulation by any department, agency, board, or political
4 subdivision of the state.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1574YC (4) 85
rn/nh



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1 Section 1. Section 476.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. a. Notwithstanding any other provision
4 to the contrary, a department, agency, board, or political
5 subdivision of the state shall not by rule, order, or other
6 means directly or indirectly regulate the entry, rates, terms,
7 or conditions for internet protocol-enabled service or voice
8 over internet protocol service.

9 b. (1) For purposes of this subsection, "*internet*
10 *protocol-enabled service*" means any service, capability,
11 functionality, or application that uses internet protocol
12 or any successor protocol and enables an end user to send
13 or receive voice, data, or video communication in internet
14 protocol format or a successor format.

15 (2) (a) For purposes of this subsection, "*voice over*
16 *internet protocol service*" is any service that uses internet
17 protocol or a successor protocol to enable real-time, two-way
18 voice communication that originates from, or terminates at,
19 the user's location in internet protocol format or a successor
20 format; or permits a user to receive a call that originates on
21 the public switched telephone network and to terminate a call
22 to the public switched telephone network.

23 (b) "*Voice over internet protocol service*" does not include a
24 service that uses ordinary customer premises equipment with no
25 enhanced functionality that originates and terminates on the
26 public switched telephone network, undergoes no net protocol
27 conversion, and provides no enhanced functionality to end users
28 due to the provider's use of internet protocol technology.

29 c. This subsection shall not be construed to modify or
30 affect the application or enforcement of a law or rule that
31 may apply generally to the conduct of business in this state,
32 including but not limited to consumer protection and unfair
33 or deceptive trade practice laws and rules. This subsection
34 shall also not be construed to affect, mandate, or prohibit the
35 assessment of nondiscriminatory E911 fees or telecommunications

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1 relay service fees.

2 EXPLANATION

3 This bill exempts internet protocol-enabled service and
4 voice over internet protocol service from direct or indirect
5 regulation by any department, agency, board, or political
6 subdivision of the state.

7 The bill defines "internet protocol-enabled service" to mean
8 any service, capability, functionality, or application that
9 uses internet protocol or any successor protocol and enables an
10 end user to send or receive voice, data, or video communication
11 in internet protocol format or a successor format.

12 The bill defines "voice over internet protocol service" to
13 mean any service that uses internet protocol or a successor
14 protocol to enable real-time, two-way voice communication
15 that originates from, or terminates at, the user's location
16 in internet protocol format or a successor format; or permits
17 a user to receive a call that originates on the public
18 switched telephone network and to terminate a call to the
19 public switched telephone network. The bill states that a
20 service that uses ordinary customer premises equipment with no
21 enhanced functionality that originates and terminates on the
22 public switched telephone network, undergoes no net protocol
23 conversion, and provides no enhanced functionality to end users
24 due to the provider's use of internet protocol technology is
25 not a "voice over internet protocol service".

26 The bill provides that a department, agency, board, or
27 political subdivision of the state shall not by rule, order, or
28 other means directly or indirectly regulate the entry, rates,
29 terms, or conditions for internet protocol-enabled service or
30 voice over internet protocol service.

31 The bill adds that these provisions shall not be construed
32 to modify or affect the application or enforcement of a law
33 or rule that may apply generally to the conduct of business
34 in Iowa, including but not limited to consumer protection
35 and unfair or deceptive trade practice laws and rules. The

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1 bill further adds that these provisions shall also not be
2 construed to affect, mandate, or prohibit the assessment of
3 nondiscriminatory E911 fees or telecommunications relay service
4 fees.



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House Study Bill 171 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act providing for the determination of animal units which
2 are part of confinement feeding operations, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1480YC (6) 85
da/sc



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1 Section 1. Section 459.301, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. In calculating the animal unit capacity of a confinement
4 feeding operation, the animal unit capacity shall include the
5 animal unit capacity of all confinement feeding operation
6 buildings ~~which are part of the confinement feeding operation,~~
7 ~~unless a confinement feeding operation building has been~~
8 ~~abandoned as provided in section 459.201~~ that are used to house
9 animals.

10 Sec. 2. NEW SECTION. 459.312A Election to be a small animal
11 feeding operation.

12 A person otherwise required to submit an updated manure
13 management plan as required in section 459.312 and pay an
14 annual compliance fee as required in section 459.400 may make
15 a small animal feeding operation election as provided in this
16 section.

17 1. Upon the effective date of the election, the confinement
18 feeding operation covered by the updated manure management
19 plan shall be considered a small animal feeding operation only
20 for purposes of submitting the updated manure management plan
21 and paying the annual compliance fee, during the period of the
22 election.

23 2. A person is eligible to make an election only if all of
24 the following apply:

25 a. Five hundred or fewer animal units are housed at the
26 confinement feeding operation at any one time during the period
27 of election.

28 b. The department is notified of the election in a manner
29 required by the department. The department may require that a
30 person submit a notice of election as part of an updated manure
31 management plan form or as a separate document.

32 3. The department shall provide for the period of election,
33 including its effective and expiration dates. However, the
34 period of election shall be at least for the same period
35 covered by the updated manure management plan. An election

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1 automatically terminates when more than five hundred animal
2 units are housed at the confinement feeding operation at any
3 one time.

4 4. This section does not affect any of the following:

5 a. A condition associated with a construction permit as
6 provided in this subchapter, including but not limited to a
7 master matrix as provided in section 459.305.

8 b. A requirement unrelated to filing an updated manure
9 management plan or paying an annual compliance fee, including
10 but not limited to the filing of a construction design
11 statement as provided in section 459.306, the application of
12 manure as provided in section 459.313A, or the certification of
13 a person as a confinement site manure applicator as provided
14 in section 459.315.

15 Sec. 3. Section 459.400, subsection 1, paragraph c, Code
16 2013, is amended to read as follows:

17 c. An annual compliance fee that is required to accompany an
18 updated manure management plan submitted to the department for
19 approval as provided in section 459.312.

20 (1) The amount of the annual compliance fee shall not exceed
21 a rate of fifteen cents per animal unit ~~based on the multiplied~~
22 ~~by the maximum number of animal unit capacity of units housed~~
23 at the confinement feeding operation during the period covered
24 by the manure management plan.

25 (2) If the person submitting the manure management plan is
26 a contract producer, as provided in chapter 202, the active
27 contractor shall be assessed the annual compliance fee.

28 EXPLANATION

29 BACKGROUND. The department of natural resources
30 (department) is required to regulate confinement feeding
31 operations (operations) under Code chapter 459, the "Animal
32 Agriculture Compliance Act". This bill amends provisions in
33 subchapter III which govern water quality, including how and
34 when manure from such operations is to be applied to land.

35 CURRENT ANIMAL UNIT CAPACITY FORMULA TO DETERMINE AN

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1 OPERATION'S SIZE. To some extent, the degree of regulation
2 depends upon an operation's size which is determined by
3 calculating its animal unit capacity; the maximum number
4 of animal units that may be maintained in all confinement
5 buildings (buildings) at any one time (Code section 459.102).
6 Each of various types of animals are assigned a special
7 equivalency factor. For example, a butcher or breeding swine
8 weighing more than 55 pounds has a factor of 0.4 animal units
9 (Code section 459.102). Generally, when calculating the animal
10 unit capacity of an operation, buildings constructed as part
11 of the operation are included regardless of whether they are
12 occupied, except if a building has been abandoned, i.e., has
13 been razed or converted to another use (Code section 459.301).

14 SMALL ANIMAL FEEDING OPERATIONS. The current law provides
15 a special regulatory exemption for small animal feeding
16 operations, which have an animal unit capacity of 500 or fewer
17 animal units (Code section 459.102). In the example above, a
18 confinement feeding operation with three buildings keeping a
19 maximum of 400 swine in each of two buildings and no animals in
20 the third building would not qualify as a small animal feeding
21 operation if the capacity of the three buildings were 600, 500,
22 and 300 animal units, respectively ($1,400 \times 0.4 = 560$).

23 REVISING CURRENT FORMULA — CALCULATING CONFINEMENT ANIMAL
24 UNIT CAPACITY BASED ON USED AND UNUSED BUILDINGS. This bill
25 revises the current formula by excluding any building that is
26 not occupied regardless of whether it is abandoned. This is
27 the same formula used to calculate the animal unit capacity of
28 dry-bedded confinement feeding operations using so-called "hoop
29 buildings" (Code section 459B.103). In the example above, the
30 confinement feeding would qualify as a small animal feeding
31 operation since the third empty building is no longer counted
32 ($1,100 \times 0.4 = 440$).

33 NEW FORMULA — RECLASSIFYING CONFINEMENT FEEDING OPERATIONS
34 BASED ON MAXIMUM NUMBER OF ANIMAL UNITS. The bill allows a
35 person to elect to be exempt from filing a manure management

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1 plan update (update) with the department and paying an
2 associated annual compliance fee (fee) if the person can
3 reclassify the operation as a small animal feeding operation
4 using the new formula. An update is required to be filed by a
5 person who owns a confinement feeding operation or who applies
6 manure from a confinement feeding operation located outside
7 the state (Code section 459.312). Both the original plan
8 and the update must include the latest information regarding
9 manure application. Using the example above, the operation
10 could elect to be exempt as a small animal feeding operation
11 ($800 \times 0.4 = 320$). The bill provides that the department
12 must determine the period of election so long as the minimum
13 election period equals the duration of the updated plan.
14 However, the election period automatically terminates if
15 the operation no longer qualifies as a small animal feeding
16 operation as calculated using the new formula.
17 NEW FORMULA — ANNUAL COMPLIANCE FEE. The bill provides
18 that a person must now calculate the fee accompanying the
19 update by applying the new formula. Using the example above,
20 if the operation were not exempted as a small animal feeding
21 operation, the person who would have paid a fee of \$84 (560×15
22 cents) under the current formula would pay \$48 (320×15 cents)
23 under the new formula.
24 CIVIL PENALTIES. A person who violates Code chapter 468,
25 subchapter III is subject to a civil penalty. The department
26 is authorized to impose a range of civil penalties based
27 on a number of criteria. The general civil penalty cannot
28 exceed \$10,000 (Code sections 459.603 and 455B.109). A
29 person violating a provision is also subject to judicial
30 action brought by the attorney general (Code sections 459.603
31 and 455B.191). The general civil penalty applicable for a
32 violation cannot exceed \$5,000.



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Senate File 230

S-3009

1 Amend Senate File 230 as follows:

2 1. Page 1, line 11, after <state.> by inserting
3 <"*In-state construction contract*" does not include any
4 agreement between this state and any other state.>

5 2. Page 1, line 17, by striking <mediation,> and
6 inserting <mediation,>

JANET PETERSEN



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Senate File 241 - Introduced

SENATE FILE 241
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 27)

A BILL FOR

1 An Act relating to requirements for the use of headlights, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1351SV (1) 85
dea/nh



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S.F. 241

1 Section 1. Section 321.384, Code 2013, is amended to read
2 as follows:

3 **321.384 When lighted lamps required.**

4 1. ~~Every~~ A motor vehicle ~~upon~~ operated on a highway within
5 ~~the state, at any time from~~ shall display lighted headlamps
6 as provided in section 321.415 during the following times,
7 subject to exceptions under this chapter with respect to parked
8 vehicles:

9 a. From sunset to sunrise, and at such other times when
10 conditions such as fog, snow, sleet, or rain provide.

11 b. Whenever atmospheric conditions require the use of
12 windshield wipers.

13 c. During any period of rain, drizzle, sleet, hail, snow,
14 blowing snow, freezing rain, or ground-level fog.

15 d. Whenever, due to insufficient lighting to render clearly
16 discernible or unfavorable atmospheric conditions, persons
17 and vehicles on the highway are not clearly discernible at a
18 distance of five hundred one thousand feet ahead, shall display
19 lighted headlamps as provided in section 321.415, subject to
20 exceptions with respect to parked vehicles as hereinafter
21 stated.

22 2. ~~Whenever~~ A requirement ~~is hereinafter declared as to in~~
23 this chapter regarding the distance from which certain lamps
24 and devices shall render objects visible or within which such
25 lamps or devices shall be visible, ~~said provisions~~ shall apply
26 during the times stated in subsection 1 ~~of this section~~ upon
27 a straight level unlighted highway under normal atmospheric
28 conditions unless a different time or condition is expressly
29 stated.

30 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
31 2013, is amended to read as follows:

32 Notwithstanding section 321.482, a person who is convicted
33 of operating a motor vehicle in violation of section 321.178,
34 subsection 2, paragraph "a", subparagraph (2), section
35 321.180B, subsection 6, section 321.194, subsection 1,

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1 paragraph "c", section 321.256, ~~section~~ or 321.257, section
2 321.275, subsection 4, section 321.276, 321.297, 321.298,
3 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307,
4 or 321.308, section 321.309, subsection 2, ~~or~~ section 321.311,
5 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A,
6 321.327, 321.329, or 321.333, ~~or~~ section 321.372, subsection
7 3, or section 321.384 causing serious injury to or the death
8 of another person may be subject to the following penalties in
9 addition to the penalty provided for a scheduled violation in
10 section 805.8A or any other penalty provided by law:

11 EXPLANATION

12 This bill amends Code section 321.384 to require the
13 operator of a motor vehicle to display lighted headlamps from
14 sunset to sunrise; whenever atmospheric conditions require
15 the use of windshield wipers; during any period of rain,
16 drizzle, sleet, hail, snow, blowing snow, freezing rain, or
17 ground-level fog; or whenever, due to insufficient lighting or
18 unfavorable atmospheric conditions, persons and vehicles on
19 the highway are not clearly discernible at a distance of 1,000
20 feet. Currently, the use of headlamps is required from sunset
21 to sunrise and at all other times when conditions such as fog,
22 snow, sleet, or rain provide insufficient lighting to clearly
23 see 500 feet ahead.

24 The penalty that currently applies to a violation of
25 requirements for headlight use applies to the new requirements
26 under the bill. A violation is a simple misdemeanor,
27 punishable by a scheduled fine of \$30. The bill adds a
28 violation of Code section 321.384 to the list of traffic
29 offenses for which additional penalties may be imposed for a
30 violation causing serious injury to or death of another person.
31 If the violation causes a serious personal injury, a court
32 could impose an additional fine of \$500 or suspend the person's
33 driver's license for not more than 90 days, or both. If the
34 violation causes a death, a court could impose an additional
35 fine of \$1,000 or suspend the person's driver's license for not

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1 more than 180 days, or both.

2 The following Code sections contain provisions which are
3 linked to the times when headlamps are required under Code
4 section 321.384 and are therefore affected indirectly by the
5 bill:

6 Code section 321.235A, which requires the use of a headlight
7 and a rear reflector on an electric personal assistive mobility
8 device.

9 Code section 321.392, which requires the use of certain
10 lighting devices and reflectors on motor trucks.

11 Code section 321.394, which requires a red light to be
12 displayed on projecting loads.

13 Code section 321.395, which requires lighting on vehicles
14 stopped on an unlighted roadway or shoulder.

15 Code sections 321.397, 321.398, and 321.418, which describe
16 lighting requirements for bicycles, animal drawn vehicles, and
17 slow-moving vehicles.

18 Code section 321.405, which requires self-illumination of
19 mechanical signal devices.

20 Code sections 321.415 and 321.419, which provide
21 specifications for headlamps.



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Senate File 242 - Introduced

SENATE FILE 242

BY HOGG

(COMPANION TO HF 228)

A BILL FOR

1 An Act relating to the sales tax exemption for certain
2 wastewater treatment or effluent treatment services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2260XS (1) 85
tm/sc



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S.F. 242

1 Section 1. Section 423.3, subsection 32, paragraph c, Code
2 2013, is amended to read as follows:

3 c. The sale or furnishing of sewage service for
4 nonresidential commercial operations, except for water
5 treatment or effluent treatment services to a paper recycling
6 mill.

7 EXPLANATION

8 This bill relates to the sales tax exemption for certain
9 wastewater treatment or effluent treatment services.

10 Currently, the sales price of tangible personal property
11 sold, or of services furnished, by a county or city are exempt
12 from sales tax with four listed exceptions to exemption. One
13 of the exceptions is for the sale or furnishing of sewage
14 service for nonresidential commercial operations. The bill
15 excludes from the exception water treatment or effluent
16 treatment services to a paper recycling mill which makes such
17 services exempt from sales tax.



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Senate File 243 - Introduced

SENATE FILE 243
BY ZAUN, CHAPMAN, and
SCHNEIDER

A BILL FOR

1 An Act abolishing county compensation boards.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2307SS (2) 85
aw/sc



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S.F. 243

1 Section 1. Section 331.212, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. i. Setting the compensation schedule of the
4 elected county officers.
5 Sec. 2. Section 331.321, subsection 1, paragraph 1, Code
6 2013, is amended by striking the paragraph.
7 Sec. 3. Section 331.322, subsection 6, Code 2013, is amended
8 to read as follows:
9 6. Review Annually prepare and review the final
10 compensation schedule of the county compensation board and
11 determine the final compensation schedule in accordance with
12 section 331.907.
13 Sec. 4. Section 331.322, subsection 7, Code 2013, is amended
14 by striking the subsection.
15 Sec. 5. Section 331.323, subsection 1, paragraph e, Code
16 2013, is amended to read as follows:
17 e. When If the duties of an officer or employee are assigned
18 to one or more elected officers, the board shall set the an
19 initial salary for each elected officer. ~~Thereafter, the~~
20 salary and, thereafter, shall be determined determine the
21 salary as provided in section 331.907.
22 Sec. 6. Section 331.907, subsections 1 through 4, Code 2013,
23 are amended to read as follows:
24 1. The annual compensation of the auditor, treasurer,
25 recorder, sheriff, county attorney, and supervisors shall
26 be determined as provided in this section. The ~~county~~
27 ~~compensation~~ board annually shall review the compensation
28 paid to comparable officers in other counties of this state,
29 other states, private enterprise, and the federal government.
30 In setting the salary of the county sheriff, the ~~county~~
31 ~~compensation~~ board shall consider setting the sheriff's salary
32 so that it is comparable to salaries paid to professional
33 law enforcement administrators and command officers of the
34 state patrol, the division of criminal investigation of the
35 department of public safety, and city police agencies in

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1 this state. The ~~county compensation~~ board shall prepare a
2 compensation schedule for the elective county officers for the
3 succeeding fiscal year. ~~A recommended compensation schedule~~
4 ~~requires a majority vote of the membership of the county~~
5 ~~compensation board.~~

6 2. At the public hearing held on the county budget as
7 provided in section 331.434, the ~~county compensation~~ board
8 shall submit its ~~recommended~~ compensation schedule for the
9 next fiscal year ~~to the board of supervisors~~ for inclusion
10 in the county budget. ~~The board of supervisors shall review~~
11 ~~the recommended compensation schedule for the elected county~~
12 ~~officers and determine the final compensation schedule which~~
13 ~~shall not exceed the compensation schedule recommended by~~
14 ~~the county compensation board. In determining the final~~
15 ~~compensation schedule if the board of supervisors wishes to~~
16 ~~reduce the amount of the recommended compensation schedule,~~
17 ~~the amount of salary increase proposed for each elected~~
18 ~~county officer, except as provided in subsection 3, shall be~~
19 ~~reduced an equal percentage. A copy of the final compensation~~
20 ~~schedule shall be filed with the county budget at the office~~
21 ~~of the director of the department of management. The final~~
22 ~~compensation schedule takes effect on July 1 following its~~
23 ~~adoption by the board of supervisors.~~

24 3. The board ~~of supervisors~~ may adopt a decrease in
25 compensation paid to supervisors irrespective of ~~the county~~
26 ~~compensation board's recommended compensation schedule or other~~
27 approved changes in compensation paid to other elected county
28 officers. A decrease in compensation paid to supervisors shall
29 be adopted by the board ~~of supervisors~~ no less than thirty days
30 before the county budget is certified under section 24.17.

31 4. The elected county officers are also entitled to receive
32 their actual and necessary expenses incurred in performance
33 of official duties of their respective offices. The board ~~of~~
34 ~~supervisors~~ may authorize the reimbursement of expenses related
35 to an educational course, seminar, or school which is attended

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1 by a county officer after the county officer is elected, but
2 prior to the county officer taking office.

3 Sec. 7. REPEAL. Section 331.905, Code 2013, is repealed.

4 EXPLANATION

5 This bill provides for the abolition of county compensation
6 boards and transfers to the board of supervisors the duty of
7 setting the compensation schedule for elective county officers.



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Senate File 244 - Introduced

SENATE FILE 244
BY ERNST

A BILL FOR

1 An Act relating to county commissions of veteran affairs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1669XS (8) 85
aw/sc



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1 Section 1. Section 35B.4, Code 2013, is amended to read as
2 follows:

3 **35B.4 Appointment — vacancies.**

4 1. Members of the commission of veteran affairs shall
5 be appointed by the board of supervisors, as recommended by
6 the current commission members and the executive director
7 or administrator, to staggered three-year terms at the
8 regular meeting in June. However, a member shall serve until
9 a successor has been appointed and qualifies. The board
10 may remove an appointee at any time for neglect of duty or
11 maladministration. A vacancy on the commission shall be filled
12 for the unexpired portion of the regular term in the same
13 manner as regular appointments are made.

14 2. If the board of supervisors increases the commission
15 of veteran affairs membership to five members, the initial
16 terms of the two new members shall be two and three years
17 respectively. However, the new members shall serve until their
18 successors are appointed and qualify.

19 Sec. 2. Section 35B.6, subsection 1, paragraphs a and c,
20 Code 2013, are amended to read as follows:

21 a. The members of the commission shall qualify by taking the
22 usual oath of office, ~~and give bond in the sum of five hundred~~
23 ~~dollars each, conditioned for the faithful discharge of their~~
24 ~~duties with sureties to be approved by the county auditor.~~ The
25 commission shall organize by the selection of one of their
26 members as chairperson and one as secretary. The commission,
27 subject to the approval of the board of supervisors, shall
28 employ an executive director or administrator and shall have
29 the power to employ other necessary employees when needed,
30 including administrative or clerical assistants, but no member
31 of the commission shall be so employed. ~~The compensation of~~
32 ~~such employees shall be fixed by the board of supervisors.~~
33 The state department of veterans affairs shall recognize the
34 executive director or administrator as a county veterans
35 service officer of a local veterans' service organization

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1 recognized pursuant to 38 C.F.R. § 14.628(c) for the purposes
2 of assisting veterans and their dependents in obtaining
3 federal benefits. The commission shall recommend the annual
4 compensation of the executive director or administrator to the
5 board of supervisors. The board of supervisors shall consider
6 the recommendation and shall determine and approve the annual
7 compensation of the executive director or administrator. The
8 executive director must possess the same qualifications as
9 provided in section 35B.3 for commission members. However,
10 this qualification requirement shall not apply to a person
11 employed as an executive director prior to July 1, 1989.
12 c. Upon the employment of an executive director or
13 administrator, the executive director or administrator shall
14 complete a course of certification training provided by the
15 department of veterans affairs pursuant to section 35A.5.
16 If an executive director or administrator fails to obtain
17 certification within one year of being employed, the executive
18 director or administrator shall be removed from office. A
19 ~~commissioner or other commission employee may also complete~~
20 ~~the course of certification training.~~ The department shall
21 issue the executive director, or administrator, ~~commissioner,~~
22 ~~or employee~~ a certificate of training after completion of the
23 certification training course. To maintain certification, the
24 executive director, or administrator, ~~commissioner, or employee~~
25 shall satisfy the continuing education requirements established
26 by the national association of county ~~veteran~~ veterans service
27 officers. Failure of an executive director or administrator
28 to maintain certification shall be cause for removal from
29 office. The expenses of training the executive director or
30 administrator shall be paid from the appropriation authorized
31 in section 35B.14.
32 Sec. 3. Section 35B.6, subsection 1, paragraph d, Code 2013,
33 is amended by adding the following new subparagraph:
34 NEW SUBPARAGRAPH. (3) Complete and submit all forms
35 required for federal, state, and county benefits.

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1 Sec. 4. Section 35B.6, subsection 2, Code 2013, is amended
2 to read as follows:

3 2. a. Two or more boards of supervisors may agree,
4 pursuant to chapter 28E, to share the services of an executive
5 director or administrator. The agreement shall provide for the
6 establishment of a commission of veteran affairs office in each
7 of the counties participating in the agreement.

8 b. It shall be unlawful for any county board of supervisors
9 or any county commission of veteran affairs to place the
10 administration of the duties of the county commission of
11 veteran affairs under any other agency of any county, or to
12 publish the names of the veterans or their families who receive
13 benefits under the provisions of this chapter.

14 Sec. 5. Section 35B.6, subsection 3, Code 2013, is amended
15 by striking the subsection.

16 Sec. 6. Section 35B.6, subsection 4, paragraph a, Code 2013,
17 is amended to read as follows:

18 a. Each county commission of veteran affairs shall maintain
19 an office in a public building owned, operated, or leased by
20 the county.

21 Sec. 7. Section 35B.7, Code 2013, is amended to read as
22 follows:

23 **35B.7 Meetings — report — budget.**

24 The commission shall meet monthly and at other times as
25 necessary. At the monthly meeting it shall determine who are
26 entitled to county benefits and the probable amount required to
27 be expended. The commission shall meet annually to prepare an
28 estimated budget for all expenditures to be made in the next
29 fiscal year and certify the budget to the board of supervisors.
30 The board may approve or reduce the budget for valid reasons
31 shown and entered of record and the board's decision is final.

32 Sec. 8. Section 35B.10, Code 2013, is amended to read as
33 follows:

34 **35B.10 Disbursements — inspection of records.**

35 1. All claims certified by the commission shall be reviewed

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1 by the board of supervisors and the county auditor shall
2 issue warrants in payment of the claims. All applications,
3 investigation reports, and case records are privileged
4 communications and ~~shall be held~~ confidential, subject to use
5 and inspection only by persons authorized by law in connection
6 with their official duties relating to financial audits and the
7 administration of this chapter or as authorized by order of
8 a district court. ~~However, the county commission of veteran~~
9 ~~affairs shall prepare and file in the office of the county~~
10 ~~auditor on or before the thirtieth day of each January, April,~~
11 ~~July, and October a report showing the case numbers of all~~
12 ~~recipients receiving assistance under this chapter, together~~
13 ~~with the amount paid to each during the preceding quarter.~~
14 ~~Each report so filed shall be securely fixed in a record book~~
15 ~~to be used only for such reports made under this chapter. A~~
16 person may sign a release to authorize the examination of that
17 person's applications, reports, or records.

18 ~~The record book shall be and the same is hereby declared~~
19 ~~to be a public record, open to public inspection at all times~~
20 ~~during the regular office hours of the county auditor. Each~~
21 ~~person who desires to examine said records, other than in~~
22 ~~pursuance of official duties as hereinbefore provided, shall~~
23 ~~sign a written request to examine the same, which shall contain~~
24 ~~an agreement on the part of the signer that the signer will~~
25 ~~not utilize any information gained therefrom for commercial or~~
26 ~~political purposes.~~

27 2. It shall be unlawful for any person, body, association,
28 firm, corporation or any other agency to solicit, disclose,
29 receive, make use of or to authorize, knowingly permit,
30 participate in or acquiesce in the use of any lists, names or
31 other information obtained from the reports above provided for,
32 for commercial or political purposes, and a violation of this
33 provision shall constitute a serious misdemeanor.

34 Sec. 9. Section 35B.14, Code 2013, is amended by adding the
35 following new subsections:

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1 NEW SUBSECTION. 3. The commission is responsible for
2 the interment in a suitable cemetery of the body of any
3 veteran, as defined in section 35.1, or the spouse, surviving
4 spouse, or child of the person, if the person has died without
5 leaving sufficient means to defray the funeral expenses. The
6 commission may pay the expenses in a sum not exceeding an
7 amount established by the board of supervisors.

8 NEW SUBSECTION. 4. Burial expenses shall be paid by the
9 county in which the person died. If the person is a resident
10 of a different county at the time of death, the county of
11 residence shall reimburse the county where the person died for
12 the cost of burial. In either case, the board of supervisors
13 of the respective counties shall audit and pay the account from
14 the funds provided for in this chapter in the manner as other
15 claims are audited and paid.

16 Sec. 10. Section 35B.16, Code 2013, is amended to read as
17 follows:

18 **35B.16 Markers for graves.**

19 The county commission of veteran affairs may furnish a
20 suitable and appropriate ~~metal~~ marker for the grave of each
21 veteran, as defined in section 35.1, who is buried within
22 the limits of the county. The marker shall be placed at the
23 individual's grave to permanently mark and designate the grave
24 for memorial purposes. The expenses shall be paid from any
25 funds raised as provided in this chapter.

26 Sec. 11. Section 35B.17, Code 2013, is amended to read as
27 follows:

28 **35B.17 Maintenance of graves.**

29 1. The county boards of supervisors shall each year
30 appropriate and pay to the owners of, or to the public board or
31 officers having control of cemeteries within the state in which
32 any such deceased service person is buried, a sum sufficient
33 to pay for the care and maintenance of the lots on which they
34 are buried in all cases in which provision for such care is
35 not otherwise made, or may conclude their responsibility by

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1 paying a mutually agreed to fee for perpetual care when the
2 cemetery authority has established a perpetual care fund for
3 the cemetery, to be paid either as a lump sum, or in not to
4 exceed five installments in a manner agreed to by the parties.

5 2. Payment under subsection 1 shall be made at the rate
6 charged for like care and maintenance of other lots of
7 similar size in the same cemetery, upon the affidavit of the
8 superintendent or other person in charge of such cemetery, that
9 the same has not been otherwise paid or provided for.

10 Sec. 12. Section 35B.19, Code 2013, is amended to read as
11 follows:

12 **35B.19 Burial records.**

13 ~~The county commission of veteran affairs~~ executive director
14 or administrator shall be charged with securing the information
15 requested by the department of veterans affairs of every person
16 having a military service record and buried in ~~that~~ the county.
17 Such information shall be secured from the undertaker in charge
18 of the burial or cremation and shall be transmitted by the
19 undertaker to the ~~commission of county~~ county veteran affairs office
20 of the county where burial or disposition of cremated remains
21 is made. This information shall be recorded alphabetically and
22 by description of location in the cemetery where the veteran is
23 buried or the place of disposition of the cremated remains of
24 the veteran. This recording shall conform to the directives of
25 the department of veterans affairs and shall be kept in a book
26 by the ~~county commission~~ executive director or administrator.

27 Sec. 13. Section 64.11, Code 2013, is amended to read as
28 follows:

29 **64.11 Expense of bonds paid by county.**

30 If a county treasurer, county attorney, recorder, auditor,
31 sheriff, medical examiner, ~~member of the veterans affairs~~
32 ~~commission~~, member of the board of supervisors, engineer,
33 steward, or matron elects to furnish a bond with an association
34 or incorporation as surety as provided in this chapter, the
35 reasonable cost of the bond shall be paid by the county where

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1 the bond is filed.

2 Sec. 14. Section 331.381, subsection 6, Code 2013, is
3 amended to read as follows:

4 6. Audit and pay the burial expense for indigent veterans,
5 as provided in section ~~35B.15~~ 35B.14, subsection 4.

6 Sec. 15. Section 331.502, subsection 13, Code 2013, is
7 amended by striking the subsection.

8 Sec. 16. Section 331.502, subsection 14, Code 2013, is
9 amended to read as follows:

10 14. Issue warrants ~~and maintain a book containing a record~~
11 ~~of persons receiving veteran assistance~~ as provided in section
12 35B.10.

13 Sec. 17. Section 331.508, subsection 5, Code 2013, is
14 amended by striking the subsection.

15 Sec. 18. REPEAL. Sections 35B.8, 35B.9, 35B.12, 35B.13,
16 35B.15, and 35B.18, Code 2013, are repealed.

17 EXPLANATION

18 This bill relates to the duties and responsibilities of the
19 county commissions of veteran affairs.

20 The bill requires that the members of a county commission of
21 veteran affairs be appointed by the board of supervisors upon
22 the recommendation of the current members of the commission
23 and the executive director or administrator. The bill removes
24 a requirement that members of the commission give a bond of
25 \$500 and makes conforming changes to Code sections 64.11 and
26 331.502.

27 The bill requires that the state department of veterans
28 affairs shall recognize the executive director or administrator
29 as a county veterans service officer of a local veterans'
30 service organization recognized by the federal secretary of
31 veterans affairs for purposes of assisting veterans and their
32 dependents in obtaining federal benefits. The bill requires
33 that the annual compensation of an executive director or
34 administrator be recommended by the county commission to the
35 county board of supervisors which shall determine and approve

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1 the compensation. Current law requires that the county board
2 of supervisors fix the compensation for the executive director
3 or administrator and other necessary employees.

4 The bill strikes language allowing a county commissioner
5 and certain commission employees to complete a course of
6 certification training provided by the department of veterans
7 affairs.

8 The bill requires that the duties of the executive director,
9 administrator, and employees shall include the submission of
10 all forms required for federal, state, and county benefits.

11 The bill also removes language requiring a commission to
12 appoint a deputy county auditor as an administrative assistant
13 to the commission. The bill requires that a commission office
14 be located in a public building. The bill also specifies that
15 the commission shall only need to determine eligibility of
16 individuals for county benefits at monthly meetings of the
17 commission and removes requirements that the commission submit
18 certain information to the board of supervisors.

19 The bill removes certain reporting, recording, accounting
20 system, and filing requirements and makes certain conforming
21 amendments to Code sections 331.502 and 331.508. The bill
22 provides that certain applications, reports, and records
23 shall be subject to use or inspection as authorized by order
24 of a district court. The bill permits the examination of an
25 individual's applications, reports, and records only upon the
26 individual's authorization.

27 The bill also makes certain changes to provisions related to
28 the provision of grave markers for veterans and the filing and
29 maintenance of certain burial records.

30 The bill repeals Code section 35B.12, relating to
31 confidentiality of benefit information, but the substance
32 of the Code section is transferred to Code section 35B.6,
33 subsection 2.

34 The bill repeals Code section 35B.13, relating to burial
35 expenses, but the substance of the Code section is transferred



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1 to Code section 35B.14, subsection 3.

2 The bill repeals Code section 35B.15, relating to audit
3 and payment of burial expenses, but the substance of the Code
4 section is transferred to Code section 35B.14, subsection 4.

5 The bill repeals Code section 35B.18, relating to care
6 and maintenance of gravesites, but the substance of the Code
7 section is transferred to Code section 35B.17, subsection 2.



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Senate File 245 - Introduced

SENATE FILE 245
BY JOCHUM and JOHNSON

A BILL FOR

1 An Act relating to sponsor projects under the water resource
2 restoration sponsor program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2232SS (3) 85
tm/nh



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1 Section 1. Section 455B.199, subsection 6, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. g. Practices related to water quality or
4 water quality protection that are included in a field office
5 technical guide published by the natural resources conservation
6 service of the United States department of agriculture or are
7 included in the Iowa stormwater management manual published by
8 the department of natural resources.

9 Sec. 2. Section 455B.199, subsection 7, paragraph b, Code
10 2013, is amended to read as follows:

11 b. Parking lots, unless a parking lot is constructed in a
12 manner to improve water quality and construction is consistent
13 with a field office technical guide published by the natural
14 resources conservation service of the United States department
15 of agriculture or the Iowa stormwater management manual
16 published by the department of natural resources.

17 EXPLANATION

18 This bill relates to sponsor projects under the water
19 resource restoration sponsor program.

20 Under the water resource restoration sponsor program,
21 there is a nonexclusive list of certain types of permissible
22 projects. The bill adds as a permissible type of project a
23 project that includes practices related to water quality or
24 water quality protection that are included in a field office
25 technical guide published by the natural resources conservation
26 service of the United States department of agriculture or are
27 included in the Iowa stormwater management manual published by
28 the department of natural resources.

29 Under the water resource restoration sponsor program,
30 certain types of projects are prohibited including projects
31 involving parking lots. The bill amends the parking lot
32 prohibition to allow parking lot projects when the parking
33 lot is constructed in a manner to improve water quality and
34 construction is consistent with a field office technical guide
35 published by the natural resources conservation service of the

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1 United States department of agriculture or the Iowa stormwater
2 management manual published by the department of natural
3 resources.



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Senate File 246 - Introduced

SENATE FILE 246
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1143)

A BILL FOR

1 An Act providing for the department of agriculture and land
2 stewardship's administration of programs regarding a
3 conservation practices revolving loan fund, the state
4 metrologist, pesticide regulation, and motor fuel standards.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1276SV (2) 85
da/nh



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S.F. 246

1 DIVISION I
2 SOIL AND WATER CONSERVATION DISTRICTS
3 Section 1. Section 161A.71, subsection 1, Code 2013, is
4 amended to read as follows:
5 1. The division may establish a conservation practices
6 revolving loan fund composed of any money appropriated by the
7 general assembly for that purpose, and of any other moneys
8 available to and obtained or accepted by the committee from
9 the federal government or private sources for placement in
10 that fund. Except as otherwise provided by subsection 3,
11 the assets of the conservation practices revolving loan fund
12 shall be used only to make loans directly to owners of land in
13 this state for the purpose of establishing on that land any
14 new permanent soil and water conservation practice which the
15 commissioners of the soil and water conservation district in
16 which the land is located have found is necessary or advisable
17 to meet the soil loss limits established for that land. A
18 loan shall not be made for establishing a permanent soil and
19 water conservation practice on land that is subject to the
20 restriction on state cost-sharing funds of section 161A.76.
21 Revolving loan funds and public cost-sharing funds ~~shall not~~
22 may be used in combination for funding a particular soil and
23 water conservation practice. Each loan made under this section
24 shall be for a period not to exceed ten years, shall bear no
25 interest, and shall be repayable to the conservation practices
26 revolving loan fund in equal yearly installments due March 1 of
27 each year the loan is in effect. The interest rate upon loans
28 for which payment is delinquent shall accelerate immediately
29 to the current legal usury limit. Applicants are eligible for
30 no more than ~~ten~~ twenty thousand dollars in loans outstanding
31 at any time under this program. "*Permanent soil and water*
32 *conservation practices*" has the same meaning as defined in
33 section 161A.42 and those established under this program are
34 subject to the requirements of section 161A.7, subsection 3.
35 Loans made under this program shall come due for payment upon

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1 sale of the land on which those practices are established.

2 DIVISION II

3 WEIGHTS AND MEASURES

4 Sec. 2. Section 213.1, Code 2013, is amended to read as
5 follows:

6 213.1 State metrologist.

7 The department ~~shall~~ may designate one of its assistants to
8 act as state metrologist of weights and measures. All weights
9 and measures sealed by the state metrologist shall be impressed
10 with the word "Iowa."

11 DIVISION III

12 MOTOR FUEL STANDARDS

13 Sec. 3. Section 214A.1, subsection 23, Code 2013, is amended
14 to read as follows:

15 23. "*Standard ethanol blended gasoline*" means ethanol
16 blended gasoline for use in gasoline-powered vehicles ~~other~~
17 ~~than not required to be~~ flexible fuel vehicles, that meets the
18 requirements of section 214A.2.

19 Sec. 4. Section 214A.2, subsection 2, paragraphs a and b,
20 Code 2013, are amended by striking the paragraphs.

21 Sec. 5. Section 214A.2, subsection 3, paragraph b,
22 subparagraph (2), unnumbered paragraph 1, Code 2013, is amended
23 to read as follows:

24 Gasoline blended with ethanol must meet ~~any of the following~~
25 requirements established by rules adopted in part or in whole
26 based on A.S.T.M. international specification D4814, including
27 as follows:

28 Sec. 6. Section 214A.2, subsection 3, paragraph b,
29 subparagraph (4), Code 2013, is amended to read as follows:

30 (4) For standard ethanol blended gasoline, it must be
31 ethanol blended gasoline classified as any of the following:

32 (a) From E-9 or E-10 to E-15, if the ethanol blended
33 gasoline meets the standards for that classification as
34 otherwise provided in this paragraph "b".

35 (b) Higher than ~~E-10~~ E-15, if authorized by the department

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1 pursuant to approval for the use of that classification of
2 ethanol blended gasoline in this state by the United States
3 environmental protection agency, by granting a waiver or the
4 adoption of regulations.

5 Sec. 7. Section 214A.7, Code 2013, is amended to read as
6 follows:

7 **214A.7 Department inspection — samples tested.**

8 The department shall, from time to time, make or cause to be
9 made tests of any motor fuel or biofuel which is being sold,
10 or held or offered for sale within this state. A departmental
11 inspector may enter upon the premises of a dealer and take from
12 any container a sample of the motor fuel or biofuel, not to
13 exceed ~~sixteen fluid ounces~~ one gallon. The sample shall be
14 sealed and appropriately marked or labeled by the inspector and
15 delivered to the department. The department shall make, or
16 cause to be made, complete analyses or tests of the motor fuel
17 or biofuel by the methods specified in section 214A.2.

18 Sec. 8. Section 214A.16, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. a. If ethanol blended gasoline is sold from a motor
21 fuel pump, the motor fuel pump shall have affixed a decal
22 identifying the ethanol blended gasoline.

23 b. If the motor fuel pump dispenses ethanol blended gasoline
24 classified as E-11 to E-15 for use in gasoline-powered vehicles
25 not required to be flexible fuel vehicles, the motor fuel pump
26 shall have affixed a decal as prescribed by the United States
27 environmental protection agency.

28 c. If the motor fuel pump dispenses ethanol blended gasoline
29 classified as higher than standard ethanol blended gasoline
30 pursuant to section 214A.2, the decal shall contain the
31 following notice:

32 FOR FLEXIBLE FUEL VEHICLES ONLY.

33 ~~b.~~ d. If biodiesel fuel is sold from a motor fuel pump,
34 the motor fuel pump shall have affixed a decal identifying the
35 biodiesel fuel as provided in 16 C.F.R. pt. 306.

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1 Sec. 9. REPEAL. Section 214A.9, Code 2013, is repealed.

2 DIVISION IV

3 PESTICIDE REGULATION

4 Sec. 10. Section 206.13, subsection 2, Code 2013, is amended
5 to read as follows:

6 2. The amount of the evidence of financial responsibility
7 as provided for in this section shall be not less than ~~two~~ one
8 hundred ~~fifty~~ thousand dollars for property damage and public
9 liability insurance, each separately, or liability insurance
10 with limits of one hundred thousand dollars per occurrence and
11 three hundred thousand dollars annual aggregate. The evidence
12 of financial responsibility shall be maintained at not less
13 than that amount at all times during the licensed period. The
14 department shall be notified ten days prior to any reduction in
15 the surety bond or liability insurance made at the request of
16 the applicant or cancellation of the surety bond by the surety
17 or the liability insurance by the insurer. The department
18 shall be notified ninety days prior to any reduction of the
19 amount of the irrevocable letter of credit at the request of
20 the applicant or the cancellation of the irrevocable letter of
21 credit by the financial institution. The total and aggregate
22 liability of the surety, insurer, or financial institution for
23 all claims shall be limited to the face of the surety bond,
24 liability insurance policy, or irrevocable letter of credit.

25 EXPLANATION

26 GENERAL. This bill amends a number of provisions relating
27 to the functions of the department of agriculture and land
28 stewardship.

29 DIVISION I — SOIL AND WATER CONSERVATION DISTRICTS. The
30 bill amends a provision which establishes a conservation
31 practices revolving loan fund within the soil conservation
32 division, to be used only to make loans directly to owners
33 of land for the purpose of establishing new permanent soil
34 and water conservation practices. The bill provides that
35 revolving loan fund moneys may be used in combination with

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1 public cost-sharing moneys. The bill increases the amount that
2 an owner may receive under the program from \$10,000 to \$20,000.

3 DIVISION II — WEIGHTS AND MEASURES. The bill amends a
4 provision that requires the department to designate one of
5 its assistants to act as the state metrologist of weights
6 and measures. Specifically, the bill provides that such
7 designation is discretionary.

8 DIVISION III — MOTOR FUEL STANDARDS. The bill amends a
9 number of provisions relating to motor fuel standards (Code
10 section 214A.2). It eliminates octane standards for leaded
11 gasoline.

12 The bill also provides for gasoline that contains a certain
13 percentage of ethanol. Ethanol blended gasoline is designated
14 E-xx where "xx" is the volume percent of ethanol in the ethanol
15 blended gasoline.

16 Currently, the term "standard ethanol blended gasoline"
17 refers to ethanol blended gasoline that is used to power
18 vehicles other than flexible fuel vehicles (Code section
19 214A.1). Generally, standard ethanol blended gasoline must
20 contain between 9 and 10 percent ethanol by volume (so-called
21 E-10). However, it may also contain a higher percentage as
22 authorized by the department as long as it is approved by the
23 United States environmental protection agency (EPA) (Code
24 section 214A.2). The bill provides that such gasoline is for
25 use in gasoline-powered vehicles not required to be flexible
26 fuel vehicles. It also increases the percentage of ethanol
27 allowed in standard ethanol blended gasoline to 15 percent
28 by volume (E-15). The department may still increase the
29 percentage if authorized by the department with approval by the
30 EPA.

31 The department is required to test samples of motor fuel or
32 biofuels to ensure that they comply with the standards. It
33 increases the maximum sample size from 16 fluid ounces to one
34 gallon (Code section 214A.7). The bill eliminates a provision
35 allowing a retail dealer of motor fuel to post a notice showing



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1 the results of the tests (Code section 214A.9).

2 The bill amends a provision which requires a decal be affixed
3 to a motor fuel pump notifying consumers that it is dispensing
4 ethanol blended gasoline (Code section 214A.16). The bill
5 provides that a motor fuel pump dispensing ethanol blended
6 gasoline containing a percentage of ethanol ranging between 11
7 and 15 percent (E-11 to E-15) must be affixed with a decal as
8 prescribed by EPA.

9 DIVISION IV — PESTICIDE REGULATION. The bill amends a
10 provision which requires a commercial applicator of pesticides
11 to be licensed. Such person must provide evidence of financial
12 security (Code section 206.13). The evidence of financial
13 responsibility is an established amount for property damage
14 and public liability insurance. In 2012, the General Assembly
15 enacted SF 2311 (2012 Iowa Acts, chapter 1095) which increased
16 the amount from \$50,000 to \$250,000. This bill decreases that
17 amount to \$100,000 and allows for liability insurance with a
18 limit of \$100,000 per occurrence and \$300,000 annual aggregate.



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Senate File 247 - Introduced

SENATE FILE 247
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1115)

A BILL FOR

1 An Act providing for the possession of cats classified as
2 bengals and savannahs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2037SV (2) 85
da/nh



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S.F. 247

1 Section 1. Section 717F.1, subsection 5, paragraph b, Code
2 2013, is amended to read as follows:

3 *b. "Dangerous wild animal"* includes an animal which is the
4 offspring of an animal provided in paragraph "a", and another
5 animal provided in that paragraph or any other animal. It also
6 includes animals which are the offspring of each subsequent
7 generation. However, a dangerous wild animal does not include
8 any of the following:

9 (1) The offspring of a domestic dog and a wolf, or the
10 offspring from each subsequent generation in which at least one
11 parent is a domestic dog.

12 (2) (a) The offspring of a domestic cat and another member
13 of the family felidae classified as a bengal with an ancestor
14 classified as an Asian leopard cat which is a member of the
15 species prionailurus bengalensis. The bengal must be the
16 fourth or later filial generation of offspring with the first
17 filial generation being the offspring of a domestic cat and an
18 Asian leopard cat, and each subsequent generation being the
19 offspring of a domestic cat.

20 (b) The offspring of a domestic cat and another member of
21 the family felidae classified as a savannah with an ancestor
22 classified as a serval which is a member of the species
23 leptailurus serval. The savannah must be the fourth or later
24 filial generation of offspring with the first filial generation
25 being the offspring of a domestic cat and a serval, and each
26 subsequent generation being the offspring of a domestic cat.

27 EXPLANATION

28 GENERAL. This bill amends Code chapter 717F, which
29 regulates the possession of dangerous wild animals under
30 the authority of the department of agriculture and land
31 stewardship. Generally, the Code chapter prohibits a
32 person from owning or possessing a dangerous wild animal
33 or transporting a dangerous wild animal into this state
34 unless the person is licensed by the United States department
35 of agriculture and registered by the Iowa department of

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1 agriculture and land stewardship. A dangerous animal includes
2 cats (classified as belonging to the family felidae) other than
3 domestic cats. It also includes the offspring of a dangerous
4 wild animal and any subsequent generation of offspring.
5 EXEMPTING CATS CLASSIFIED AS F-4 BENGALS AND SAVANNAHS. The
6 bill provides an exemption for a cat classified as a bengal
7 which is a cross between a domestic cat and an Asian leopard
8 cat or classified as a savannah which is a cross between a
9 domestic cat and a serval. In both cases the bill requires
10 a separation of four filial generations between the Asian
11 leopard cat or serval and the exempted cat. The generations
12 are calculated by counting from the first filial generation
13 which is the offspring of the original crossing. The filial
14 generations are sometimes referred to as F-1 through F-4 to
15 identify the first four filial generations of offspring. The
16 bill's exemption applies to those cats classified as F-4
17 bengals and savannahs.



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Senate File 248 - Introduced

SENATE FILE 248
BY QUIRMBACH

A BILL FOR

1 An Act relating to the regulation of tanning facilities.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1608XS (2) 85
mr/rj



Iowa General Assembly
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S.F. 248

1 Section 1. NEW SECTION. 136D.3A Minors' use of tanning
2 devices prohibited.

3 A tanning facility shall not allow a person under eighteen
4 years of age to use a tanning device.

5 Sec. 2. Section 136D.4, subsection 1, paragraphs a and b,
6 Code 2013, are amended to read as follows:

7 a. A warning sign in a conspicuous location without
8 obstruction and readily visible to persons entering the
9 establishment. The signs shall comply with rules adopted by
10 the department.

11 b. A warning sign for each tanning device, in a conspicuous
12 location without obstruction and readily visible to a person
13 preparing to use the device. The sign shall comply with rules
14 adopted by the department.

15 Sec. 3. Section 136D.4, subsection 2, Code 2013, is amended
16 to read as follows:

17 2. A tanning facility shall provide each customer prior to
18 use of a tanning device with a written warning statement that
19 complies with rules adopted by the department.

20 EXPLANATION

21 This bill relates to tanning facilities and creates new Code
22 section 136D.3A prohibiting a tanning facility from allowing
23 individuals under 18 years of age to use a tanning device. The
24 bill also provides that warning signs be free from obstruction
25 and that a written warning statement be provided to each
26 customer prior to use of a tanning device.

27 A tanning facility that violates a provision of Code chapter
28 136D is subject to a civil penalty and injunctive relief.



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Senate File 249 - Introduced

SENATE FILE 249
BY QUIRMBACH

A BILL FOR

1 An Act relating to the use of the term relative in child
2 in need of assistance and termination of parental rights
3 proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2363XS (2) 85
ad/nh



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S.F. 249

1 Section 1. Section 232.2, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 46A. "*Relative*" for purposes of divisions
4 III and IV of this chapter includes the parent of a sibling.

5 Sec. 2. Section 232.84, subsection 2, Code 2013, is amended
6 to read as follows:

7 2. Within thirty days after the entry of an order under
8 this chapter transferring custody of a child to an agency
9 for placement, the agency shall exercise due diligence in
10 identifying and providing notice to the child's grandparents,
11 aunts, uncles, adult siblings, parents of the child's siblings,
12 and adult relatives suggested by the child's parents, subject
13 to exceptions due to the presence of family or domestic
14 violence.

15 EXPLANATION

16 This bill relates to the use of the term "relative" in
17 child in need of assistance and termination of parental rights
18 proceedings. The bill states that "relative" for purposes
19 of child in need of assistance and termination of parental
20 rights proceedings includes the parent of a child's sibling.
21 The bill also requires the department of human services to
22 provide notice to parents of a child's siblings within 30 days
23 of an order in a child in need of assistance proceeding that
24 transfers custody of the child to the department of human
25 services, juvenile court services, or a private agency for
26 placement.



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Senate File 250 - Introduced

SENATE FILE 250
BY QUIRMBACH

A BILL FOR

1 An Act relating to consent to and notification of individuals
2 regarding HIV-related tests and test results.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2414XS (4) 85
pf/nh



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1 Section 1. Section 141A.6, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. Prior to undergoing a voluntary HIV-related test,
4 information shall be available to the subject of the test
5 concerning testing and any means of obtaining additional
6 information regarding HIV transmission and risk reduction. If
7 an individual signs a general consent form for the performance
8 of medical tests or procedures, the signing of an additional
9 consent form for the specific purpose of consenting to an
10 HIV-related test is not required during the time in which
11 the general consent form is in effect. If an individual
12 has not signed a general consent form for the performance
13 of medical tests and procedures or the consent form is no
14 longer in effect, a health care provider shall obtain oral or
15 written consent prior to performing an HIV-related test. If
16 an individual is unable to provide consent, the individual's
17 legal guardian may provide consent. If the individual's legal
18 guardian cannot be located or is unavailable, a health care
19 provider may authorize the test when the test results are
20 necessary for diagnostic purposes to provide appropriate urgent
21 medical care. Unless a minor is unable to provide consent,
22 only the minor's consent is required to undergo an HIV-related
23 test and consent of the minor's legal guardian is not required.

24 Sec. 2. Section 141A.7, subsections 1 and 3, Code 2013, are
25 amended to read as follows:

26 1. At any time that the subject of an HIV-related test
27 is informed of confirmed positive test results, counseling
28 concerning the emotional and physical health effects shall be
29 initiated. Particular attention shall be given to explaining
30 the need for the precautions necessary to avoid transmitting
31 the virus. The subject shall be given information concerning
32 additional counseling. If the legal guardian of the subject
33 of the test provides consent to the test pursuant to section
34 141A.6 because the individual is unable to provide consent,
35 the provisions of this subsection shall apply to the legal

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1 guardian.
2 3. A person may apply for voluntary treatment,
3 contraceptive services, or screening or treatment for HIV
4 infection and other sexually transmitted diseases directly to a
5 licensed physician and surgeon, an osteopathic physician and
6 surgeon, or a family planning clinic. ~~Notwithstanding any~~
7 ~~other provision of law, however, a~~ The consent of a minor's
8 legal guardian is not required for the minor to receive
9 services, screening, or treatment. A minor applying for
10 services, screening, or treatment shall give written consent to
11 receive the services, screening, or treatment and such consent
12 is not subject to later disaffirmance by reason of minority.
13 A minor shall be informed prior to testing that, unless the
14 minor consents to inform the minor's legal guardian, upon
15 confirmation according to prevailing medical technology of a
16 positive HIV-related test result, the minor's legal guardian
17 is required to shall not be informed by the testing facility.
18 Testing facilities where minors are tested shall have available
19 a program to assist ~~minors~~ a minor who consents to notification
20 of the minor's legal guardian and the minor's legal guardians
21 guardian with the notification process which emphasizes the
22 need for family support and assists in making available the
23 resources necessary to accomplish that goal. However, a
24 A testing facility which is precluded by federal statute,
25 regulation, or centers for disease control and prevention
26 guidelines from informing the legal guardian is exempt from
27 the informing a minor of the option to consent to notification
28 requirement of the minor's legal guardian. The minor shall
29 give written consent to these procedures and to receive the
30 services, screening, or treatment. Such consent is not subject
31 to later disaffirmance by reason of minority.

32 EXPLANATION

33 This bill relates to the consent to and notification of
34 individuals regarding HIV-related tests and test results.

35 The law provides for consent to undergoing voluntary

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1 HIV-related tests, including a provision that allows a legal
2 guardian to provide consent if the individual who is the
3 subject of the test is unable to do so. The bill provides that,
4 unless a minor is unable to provide consent, only the minor's
5 consent is required to undergo the HIV-related test and the
6 consent of the minor's legal guardian is not required.

7 The law also specifies who is required to be informed of
8 HIV-related confirmed positive test results. The law provides
9 that if the legal guardian of the individual who is the subject
10 of the test provided consent to the testing, the legal guardian
11 is to be informed of the positive test results and counseling
12 is to be provided to the legal guardian. The bill clarifies
13 that this informing of the legal guardian only applies when
14 the legal guardian provided consent because the individual was
15 unable to do so.

16 The law provides that a person may apply for voluntary
17 treatment, contraceptive services, or screening or treatment
18 for HIV infection and other sexually transmitted diseases
19 directly to a licensed physician and surgeon, an osteopathic
20 physician and surgeon, or a family planning clinic. The minor
21 is to be informed that the minor's legal guardian is required
22 to be informed of a positive HIV-related test result. The bill
23 amends this provision to instead provide that the consent of a
24 minor's legal guardian is not required for the minor to receive
25 services, screening, or treatment, and that instead the minor
26 applying for services, screening, or treatment is required to
27 give written consent to receive the services, screening, or
28 treatment. The bill provides that the minor's consent is not
29 subject to later disaffirmance by reason of minority. Under
30 the bill, unless a minor consents to inform the minor's legal
31 guardian upon confirmation of a positive HIV-related test
32 result, the minor's legal guardian shall not be informed by
33 the testing facility. The bill retains the existing provision
34 that requires testing facilities where minors are tested to
35 have a program available to assist minors and legal guardians

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1 with the notification process, but under the bill this would
2 only apply if the minor consented to notification of the
3 minor's legal guardian. Under the law, testing facilities
4 which are precluded by federal statute, regulation, or centers
5 for disease control and prevention guidelines from informing
6 a minor's legal guardian are also exempt under state law from
7 notifying a minor's legal guardian. In addition, under the
8 bill, these entities are also exempt from informing the minor
9 of the option to consent to notification of the minor's legal
10 guardian since the entities are already prohibited from the
11 resulting notification.



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Senate File 251 - Introduced

SENATE FILE 251

BY SORENSON, GUTH, ANDERSON,
BERTRAND, ERNST, SEGEBART,
BEHN, and CHAPMAN

A BILL FOR

1 An Act relating to the carrying of weapons on school grounds.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1470SS (2) 85
rh/rj



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S.F. 251

1 Section 1. Section 724.4B, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:

3 a. A person listed under section 724.4, subsection 4,
4 paragraphs "b" through "f", "i", or "j".

5 EXPLANATION

6 Current law provides that a person who goes armed with,
7 carries, or transports a firearm of any kind, whether concealed
8 or not, on the grounds of a school (public or nonpublic)
9 commits a class "D" felony.

10 This current law does not apply to a peace officer, when
11 the officer's duties require the person to carry such weapons;
12 a member of the armed forces of the United States or of the
13 national guard or person in the service of the United States,
14 when the weapons are carried in connection with the person's
15 duties; a correctional officer, when the officer's duties
16 require; a person who for any lawful purpose carries an
17 unloaded pistol, revolver, or other dangerous weapon inside a
18 closed and fastened container or securely wrapped package which
19 is too large to be concealed on the person; a person who for
20 any lawful purpose carries or transports an unloaded pistol or
21 revolver in a vehicle inside a closed and fastened container or
22 securely wrapped package which is too large to be concealed on
23 the person or inside a cargo or luggage compartment where the
24 pistol or revolver will not be readily accessible to any person
25 riding in the vehicle or common carrier; or a law enforcement
26 officer from another state when the officer's duties require
27 the officer to carry the weapon and the officer is in this
28 state for certain reasons.

29 The bill expands this list of exceptions to include a person
30 who has in the person's possession and who displays to a peace
31 officer on demand a valid permit to carry weapons which has
32 been issued to the person, and whose conduct is within the
33 limits of that permit.



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Senate File 252 - Introduced

SENATE FILE 252

BY SORENSON, BERTRAND,
ANDERSON, CHELGREN, GUTH,
and ERNST

A BILL FOR

1 An Act relating to the carrying and possession of weapons and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1315SS (3) 85
rh/rj



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S.F. 252

1 Section 1. Section 232.52, subsection 2, paragraph a,
2 subparagraph (4), subparagraph division (a), subparagraph
3 subdivision (viii), Code 2013, is amended to read as follows:
4 (viii) Section 724.4, if the child ~~carried the dangerous~~
5 ~~weapon~~ used the knife in the commission of a delinquent act on
6 school grounds.

7 Sec. 2. Section 708.8, Code 2013, is amended to read as
8 follows:

9 **708.8 Going armed with intent.**

10 A person who goes armed with any dangerous weapon with the
11 intent to use without justification such weapon against the
12 person of another commits a class "D" felony. The intent
13 required for a violation of this section shall not be inferred
14 from the mere carrying or concealment of any dangerous weapon
15 itself, including the carrying of a loaded firearm, whether in
16 a vehicle or on or about a person's body.

17 Sec. 3. Section 724.4, Code 2013, is amended by striking the
18 section and inserting in lieu thereof the following:

19 **724.4 Use of a knife in the commission of a crime.**

20 A person who goes armed with a knife on or about the person,
21 if the person uses the knife in the commission of a crime,
22 commits an aggravated misdemeanor.

23 Sec. 4. Section 724.4B, Code 2013, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **724.4B Carrying weapons on school grounds — penalty —**
26 **exceptions.**

27 1. A person who goes armed with, carries, or transports a
28 firearm of any kind, whether concealed or not, on the grounds
29 of a school commits a class "D" felony. For the purposes of
30 this section, "school" means a public or nonpublic school as
31 defined in section 280.2.

32 2. Subsection 1 does not apply to the following:

33 a. A person who has been specifically authorized by the
34 school to go armed, carry, or transport a firearm on the school
35 grounds, including for purposes of conducting an instructional

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1 program regarding firearms.

2 *b.* A peace officer, when the officer's duties require the
3 person to carry a firearm.

4 *c.* A member of the armed forces of the United States or
5 of the national guard or person in the service of the United
6 States, when the firearms are carried in connection with the
7 person's duties as such.

8 *d.* A correctional officer, when the officer's duties
9 require, serving under the authority of the Iowa department of
10 corrections.

11 *e.* A person who for any lawful purpose carries an unloaded
12 pistol, revolver, or other dangerous weapon inside a closed and
13 fastened container or securely wrapped package which is too
14 large to be concealed on the person.

15 *f.* A person who for any lawful purpose carries or transports
16 an unloaded pistol or revolver in a vehicle inside a closed
17 and fastened container or securely wrapped package which is
18 too large to be concealed on the person or inside a cargo
19 or luggage compartment where the pistol or revolver will not
20 be readily accessible to any person riding in the vehicle or
21 common carrier.

22 *g.* A law enforcement officer from another state when the
23 officer's duties require the officer to carry the firearm and
24 the officer is in this state for any of the following reasons:

25 (1) The extradition or other lawful removal of a prisoner
26 from this state.

27 (2) Pursuit of a suspect in compliance with chapter 806.

28 (3) Activities in the capacity of a law enforcement officer
29 with the knowledge and consent of the chief of police of the
30 city or the sheriff of the county in which the activities occur
31 or of the commissioner of public safety.

32 Sec. 5. Section 724.4C, Code 2013, is amended to read as
33 follows:

34 **724.4C Possession or carrying of firearms while under the**
35 **influence.**

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1 1. A permit issued under this chapter is invalid if the
2 Except as provided in subsection 2, a person to whom the permit
3 is issued is commits a serious misdemeanor if the person
4 is intoxicated as provided under the conditions set out in
5 section 321J.2, subsection 1-, and the person does any of the
6 following:

7 a. Carries a dangerous weapon on or about the person.
8 b. Carries a weapon within the person's immediate access or
9 reach while in a vehicle.

10 2. This section shall not apply to any of the following:

11 a. A person who carries or possesses a dangerous weapon
12 while in the person's own dwelling, place of business, or on
13 land owned or lawfully possessed by the person.

14 b. The transitory possession or use of a firearm during
15 an act of justified self-defense or justified defense of
16 another, provided that the possession lasts no longer than is
17 immediately necessary to resolve the emergency.

18 Sec. 6. Section 724.5, Code 2013, is amended by striking the
19 section and inserting in lieu thereof the following:

20 **724.5 Availability of permit not to be construed as**
21 **prohibition on unlicensed carrying of weapons.**

22 The availability of a professional or nonprofessional permit
23 to carry weapons under this chapter shall not be construed
24 to impose a general prohibition on the unlicensed carrying,
25 whether openly or concealed, of a deadly weapon, including a
26 loaded firearm.

27 EXPLANATION

28 This bill relates to the carrying and possession of weapons
29 and provides penalties.

30 The bill amends Code section 708.8, the crime of going armed
31 with a dangerous weapon with intent, a class "D" felony, to
32 provide that the intent element required for a violation of
33 this crime shall not be inferred from the mere carrying or
34 concealment of a dangerous weapon.

35 The bill strikes Code section 724.4 relating to the crime

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1 of carrying dangerous weapons, an aggravated misdemeanor,
2 and creates a new crime of going armed with a knife in the
3 commission of a crime, an aggravated misdemeanor. The bill
4 makes a conforming change to Code section 232.52, subsection
5 2, relating to the suspension or revocation of a juvenile's
6 driver's license or operating privilege.

7 The bill makes nonsubstantive changes to Code section 724.4B
8 relating to the carrying of weapons on school grounds.

9 The bill amends Code section 724.4C relating to the crime of
10 possession or carrying of firearms while under the influence
11 of alcohol or a drug. Current law invalidates a permit to
12 carry weapons if the person to whom the permit is issued is
13 intoxicated, as defined in Code section 321J.2, subsection 1
14 (while under the influence of an alcoholic beverage or other
15 drug or a combination of such substances, while having an
16 alcohol concentration of .08 or more, or while any amount of a
17 controlled substance is present in the person, as measured in
18 the person's blood or urine). The bill amends this provision
19 to provide that a person commits a serious misdemeanor if
20 the person is intoxicated and the person either carries a
21 dangerous weapon on or about the person or carries a dangerous
22 weapon within the person's immediate access or reach while in
23 a vehicle. This crime does not apply to situations where a
24 person carries or possesses a dangerous weapon while in the
25 person's own dwelling, place of business, or on the person's
26 land, and the transitory possession or use of a firearm during
27 an act of justified self-defense or justified defense of
28 another, if the possession of the firearm lasts no longer than
29 immediately necessary to resolve the emergency.

30 The bill strikes Code section 724.5 relating to a person's
31 duty to carry a valid permit to carry certain weapons for which
32 a permit has been issued to the person and replaces that Code
33 section to provide that the availability of a professional or
34 nonprofessional permit to carry weapons shall not be construed
35 to impose a general prohibition on the unlicensed carrying of a

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1 deadly weapon including a loaded firearm.



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Senate File 253 - Introduced

SENATE FILE 253

BY SORENSON, FEENSTRA, and
SEGEBART

A BILL FOR

1 An Act relating to the prohibition of terminations of pregnancy
2 and abortions, providing penalties, and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1316SS (4) 85
pf/nh



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1 Section 1. Section 135.1, unnumbered paragraph 1, Code
2 2013, is amended to read as follows:
3 For the purposes of chapter 155 and Title IV, subtitle 2,
4 ~~excluding chapter 146~~, unless otherwise defined:
5 Sec. 2. Section 135.11, subsections 10 and 12, Code 2013,
6 are amended to read as follows:
7 10. Enforce the law relative to ~~chapter 146 and~~
8 "Health-related Professions", Title IV, subtitle 3, excluding
9 chapter 155.
10 12. Establish, publish, and enforce rules not inconsistent
11 with law for the enforcement of the provisions of chapters 125
12 and 155, and Title IV, subtitle 2, ~~excluding chapter 146 and~~
13 for the enforcement of the various laws, the administration and
14 supervision of which are imposed upon the department.
15 Sec. 3. Section 144.29A, subsections 1 and 2, Code 2013, are
16 amended to read as follows:
17 1. A health care provider who initially identifies and
18 diagnoses a spontaneous termination of pregnancy ~~or who induces~~
19 ~~a termination of pregnancy~~ shall file with the department
20 a report for each termination within thirty days of the
21 occurrence. The health care provider shall make a good faith
22 effort to obtain all of the following information that is
23 available with respect to each termination:
24 a. The confidential health care provider code as assigned
25 by the department.
26 b. The report tracking number.
27 c. The maternal health services region of the Iowa
28 department of public health, as designated as of July 1, 1997,
29 in which the patient resides.
30 d. The race of the patient.
31 e. The age of the patient.
32 f. The marital status of the patient.
33 g. The educational level of the patient.
34 h. The number of previous pregnancies, live births, and
35 spontaneous ~~or induced~~ terminations of pregnancies.

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1 *i.* The month and year in which the termination occurred.
2 *j.* The number of weeks since the patient's last menstrual
3 period and a clinical estimate of gestation.
4 ~~*k.* The method used for an induced termination, including~~
5 ~~whether mifepristone was used.~~
6 2. It is the intent of the general assembly that the
7 information shall be collected, reproduced, released, and
8 disclosed in a manner specified by rule of the department,
9 adopted pursuant to chapter 17A, which ensures the anonymity
10 of the patient who experiences a termination of pregnancy,
11 the health care provider who identifies and diagnoses ~~or~~
12 ~~induces~~ a termination of pregnancy, and the hospital, clinic,
13 or other health facility in which a termination of pregnancy
14 is identified and diagnosed ~~or induced~~. The department may
15 share information with federal public health officials for
16 the purposes of securing federal funding or conducting public
17 health research. However, in sharing the information, the
18 department shall not relinquish control of the information,
19 and any agreement entered into by the department with federal
20 public health officials to share information shall prohibit the
21 use, reproduction, release, or disclosure of the information
22 by federal public health officials in a manner which violates
23 this section. The department shall publish, annually, a
24 demographic summary of the information obtained pursuant to
25 this section, except that the department shall not reproduce,
26 release, or disclose any information obtained pursuant to this
27 section which reveals the identity of any patient, health care
28 provider, hospital, clinic, or other health facility, and shall
29 ensure anonymity in the following ways:
30 *a.* The department may use information concerning the report
31 tracking number or concerning the identity of a reporting
32 health care provider, hospital, clinic, or other health
33 facility only for purposes of information collection. The
34 department shall not reproduce, release, or disclose this
35 information for any purpose other than for use in annually



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1 publishing the demographic summary under this section.

2 **b.** The department shall enter the information, from
3 any report of termination submitted, within thirty days of
4 receipt of the report, and shall immediately destroy the
5 report following entry of the information. However, entry of
6 the information from a report shall not include any health
7 care provider, hospital, clinic, or other health facility
8 identification information including, but not limited to, the
9 confidential health care provider code, as assigned by the
10 department.

11 **c.** To protect confidentiality, the department shall limit
12 release of information to release in an aggregate form which
13 prevents identification of any individual patient, health care
14 provider, hospital, clinic, or other health facility. For the
15 purposes of this paragraph, "*aggregate form*" means a compilation
16 of the information received by the department on termination
17 of pregnancies for each information item listed, with the
18 exceptions of the report tracking number, the health care
19 provider code, and any set of information for which the amount
20 is so small that the confidentiality of any person to whom the
21 information relates may be compromised. The department shall
22 establish a methodology to provide a statistically verifiable
23 basis for any determination of the correct amount at which
24 information may be released so that the confidentiality of any
25 person is not compromised.

26 Sec. 4. Section 144.29A, subsection 8, Code 2013, is amended
27 by striking the subsection.

28 Sec. 5. Section 216.6, subsection 2, paragraph c, Code 2013,
29 is amended by striking the paragraph.

30 Sec. 6. Section 216.13, Code 2013, is amended to read as
31 follows:

32 **216.13 Exceptions for retirement plans, ~~abortion coverage,~~**
33 **life, disability, and health benefits.**

34 The provisions of this chapter relating to discrimination
35 because of age do not apply to a retirement plan or benefit

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1 system of an employer unless the plan or system is a mere
2 subterfuge adopted for the purpose of evading this chapter.
3 1. However, a retirement plan or benefit system shall not
4 require the involuntary retirement of a person under the age of
5 seventy because of that person's age. This paragraph does not
6 prohibit the following:

7 a. The involuntary retirement of a person who has attained
8 the age of sixty-five and has for the two prior years been
9 employed in a bona fide executive or high policymaking position
10 and who is entitled to an immediate, nonforfeitable annual
11 retirement benefit from a pension, profit-sharing, savings,
12 or deferred compensation plan of the employer which equals
13 twenty-seven thousand dollars. This retirement benefit test
14 may be adjusted according to the regulations prescribed by
15 the United States secretary of labor pursuant to Pub. L. No.
16 95-256, section 3.

17 b. The involuntary retirement of a person covered by a
18 collective bargaining agreement which was entered into by a
19 labor organization and was in effect on September 1, 1977.
20 This exemption does not apply after the termination of that
21 agreement or January 1, 1980, whichever first occurs.

22 ~~2. A health insurance program provided by an employer may~~
23 ~~exclude coverage of abortion, except where the life of the~~
24 ~~mother would be endangered if the fetus were carried to term or~~
25 ~~where medical complications have arisen from an abortion.~~

26 ~~3.~~ 2. An employee welfare plan may provide life, disability
27 or health insurance benefits which vary by age based on
28 actuarial differences if the employer contributes equally for
29 all the participating employees or may provide for employer
30 contributions differing by age if the benefits for all the
31 participating employees do not vary by age.

32 Sec. 7. Section 602.8102, subsection 31, Code 2013, is
33 amended by striking the subsection.

34 Sec. 8. Section 707.7, Code 2013, is amended to read as
35 follows:

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1 **707.7 Feticide.**

2 1. Any person who intentionally terminates a human
3 pregnancy, with the knowledge and voluntary consent of the
4 pregnant person, ~~after the end of the second trimester of the~~
5 ~~pregnancy~~ where death of the fetus results, commits feticide.
6 Feticide is a class "~~C~~" "A" felony.

7 2. Any person who attempts to intentionally terminate a
8 human pregnancy, with the knowledge and voluntary consent of
9 the pregnant person, ~~after the end of the second trimester of~~
10 ~~the pregnancy~~ where death of the fetus does not result, commits
11 attempted feticide. Attempted feticide is a class "~~D~~" "B"
12 felony.

13 3. ~~Any person who terminates a human pregnancy, with the~~
14 ~~knowledge and voluntary consent of the pregnant person, who~~
15 ~~is not a person licensed to practice medicine and surgery~~
16 ~~or osteopathic medicine and surgery under the provisions of~~
17 ~~chapter 148, commits a class "C" felony. For the purposes of~~
18 this section, "termination of a human pregnancy" means the use
19 of any means to terminate the pregnancy of a woman known to be
20 pregnant with the intent other than to produce a live birth
21 or to remove a dead fetus. "Termination of a human pregnancy"
22 does not include a fetal death as defined in section 144.1 or
23 the spontaneous termination of pregnancy as defined in section
24 144.29A.

25 4. ~~This section shall not apply to the termination of a~~
26 ~~human pregnancy performed by a physician licensed in this state~~
27 ~~to practice medicine or surgery or osteopathic medicine or~~
28 ~~surgery when in the best clinical judgment of the physician~~
29 ~~the termination is performed to preserve the life or health~~
30 ~~of the pregnant person or of the fetus and every reasonable~~
31 ~~medical effort not inconsistent with preserving the life of the~~
32 ~~pregnant person is made to preserve the life of a viable fetus.~~
33 Section 703.1 relating to aiding and abetting and section 703.2
34 relating to joint criminal conduct shall apply to persons
35 knowingly participating or concerned in the commission of



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1 feticide or attempted feticide under this section.

2 Sec. 9. Section 707.8, Code 2013, is amended to read as
3 follows:

4 **707.8 Nonconsensual termination — serious injury to a human**
5 **pregnancy.**

6 1. A person who terminates a human pregnancy without the
7 consent of the pregnant person during the commission of a
8 forcible felony is guilty of a class ~~"B"~~ "A" felony.

9 2. A person who terminates a human pregnancy without
10 the consent of the pregnant person during the commission of
11 a felony or felonious assault is guilty of a class ~~"C"~~ "B"
12 felony.

13 3. A person who intentionally terminates a human pregnancy
14 without the knowledge and voluntary consent of the pregnant
15 person is guilty of a class ~~"C"~~ "A" felony.

16 4. A person who unintentionally terminates a human
17 pregnancy by any of the means provided pursuant to section
18 707.6A, subsection 1, is guilty of a class ~~"C"~~ "B" felony.

19 5. A person who by force or intimidation procures the
20 consent of the pregnant person to a termination of a human
21 pregnancy is guilty of a class ~~"C"~~ "B" felony.

22 6. A person who unintentionally terminates a human
23 pregnancy while drag racing in violation of section 321.278 is
24 guilty of a class ~~"D"~~ "C" felony.

25 7. A person who unintentionally terminates a human
26 pregnancy without the knowledge and voluntary consent of the
27 pregnant person by the commission of an act in a manner likely
28 to cause the termination of or serious injury to a human
29 pregnancy is guilty of ~~an aggravated misdemeanor~~ a class "D"
30 felony.

31 8. A person commits ~~an aggravated misdemeanor~~ a class "D"
32 felony when the person intentionally causes serious injury
33 to a human pregnancy by the commission of an act in a manner
34 likely to cause the termination of or serious injury to a human
35 pregnancy.



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1 9. A person commits ~~an aggravated misdemeanor~~ a class "D"
2 felony when the person unintentionally causes serious injury
3 to a human pregnancy by any of the means described in section
4 707.6A, subsection 1.

5 10. A person commits ~~a serious~~ an aggravated misdemeanor
6 when the person unintentionally causes serious injury to a
7 human pregnancy by the commission of an act in a manner likely
8 to cause the termination of or serious injury to the human
9 pregnancy.

10 11. For the purposes of this section "*serious injury to*
11 *a human pregnancy*" means, relative to the human pregnancy,
12 disabling mental illness, or bodily injury which creates a
13 substantial risk of death or which causes serious permanent
14 disfigurement, or protracted loss or impairment of the function
15 of any bodily member or organ, and includes but is not limited
16 to skull fractures, rib fractures, and metaphyseal fractures
17 of the long bones.

18 12. As used in this section, actions which cause the
19 termination of or serious injury to a pregnancy do not apply
20 to any of the following:

21 a. An unintentional act or omission of the pregnant person.

22 b. A termination of or a serious injury to a pregnancy
23 which is caused by the performance of an approved medical
24 procedure performed by a person licensed in this state to
25 practice medicine and surgery or osteopathic medicine and
26 surgery, irrespective of the duration of the pregnancy and
27 with or without the voluntary consent of the pregnant person
28 when circumstances preclude the pregnant person from providing
29 consent.

30 c. An act committed in self-defense or in defense of another
31 person or any other act committed if legally justified or
32 excused.

33 Sec. 10. REPEALS.

34 1. Sections 232.5, 707.8A, 707.9, and 707.10, Code 2013,
35 are repealed.



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1 2. Chapters 135L and 146, Code 2013, are repealed.
2 Sec. 11. SEVERABILITY. If any provision of this Act or
3 the application of this Act to any person or circumstances is
4 held invalid, the invalidity shall not affect other provisions
5 or applications of the Act which can be given effect without
6 the invalid provisions or application and, to this end, the
7 provisions of this Act are severable.
8 Sec. 12. EFFECTIVE UPON ENACTMENT. This Act, being deemed
9 of immediate importance, takes effect upon enactment.

10 EXPLANATION

11 This bill relates to prohibiting abortions.
12 The bill makes conforming changes throughout the Code to
13 eliminate any reference to allowing abortions or terminations
14 of pregnancy. The bill amends the termination of pregnancy
15 reporting section (Code section 144.29A) to only include the
16 reporting of spontaneous terminations of pregnancy.
17 The bill amends a Code section relating to unfair employment
18 practices (Code section 216.6) to eliminate references to
19 disabilities caused or contributed to by legal abortion.
20 The bill amends a Code section relating to discrimination
21 relating to health insurance abortion coverage (Code section
22 216.13) to eliminate the reference to abortion coverage.
23 The bill amends Code section 707.7 (feticide) to provide
24 for application of the elements of the crime of feticide
25 at any point in the pregnancy rather than only after the
26 end of the second trimester. The bill also increases the
27 penalty from a class "C" felony to a class "A" felony for the
28 intentional termination of a human pregnancy with the knowledge
29 and voluntary consent of the pregnant person when the death
30 of the fetus results. (A class "C" felony is punishable by
31 confinement for no more than 10 years and a fine of at least
32 \$1,000 but not more than \$10,000; and a class "A" felony is
33 punishable by confinement for life without possibility of
34 parole). The bill also increases the penalty from a class "D"
35 felony to a class "B" felony for the intentional termination of



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1 a human pregnancy with the knowledge and voluntary consent of
2 the pregnant person when death of the fetus does not result.
3 (A class "D" felony is punishable by confinement for no more
4 than five years and a fine of at least \$750 but not more than
5 \$7,500; and a class "B" felony is punishable by confinement
6 for no more than 25 years.) The bill also provides that the
7 offenses of aiding and abetting and joint criminal conduct
8 apply to commission of a feticide.

9 The bill amends Code section 707.8 (nonconsensual
10 termination — serious injury to a human pregnancy) to increase
11 the penalties for each offense. The amendment to the Code
12 section also exempts an act or omission by the pregnant person
13 only if the act or omission was unintentional.

14 The bill strikes and repeals Code provisions that relate
15 to allowing abortions under certain circumstances. The bill
16 repeals Code section 232.5 (abortion performed on a minor
17 — waiver of notification proceedings), Code section 707.8A
18 (partial birth abortion), Code section 707.9 (murder of a fetus
19 aborted alive), Code section 707.10 (duty to preserve the life
20 of the fetus), Code chapter 135L (notification requirements
21 regarding pregnant minors), and Code chapter 146 (abortions —
22 refusal to perform). The bill also makes conforming changes
23 to strike references to Code provisions stricken or repealed
24 in the bill.

25 The bill provides for severability of any provision
26 or application of the bill that is held invalid from the
27 provisions or applications of the bill which can be given
28 effect without the invalid provisions or application. The bill
29 takes effect upon enactment.



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Senate File 254 - Introduced

SENATE FILE 254

BY SORENSON, BERTRAND, GUTH,
and ERNST

(COMPANION TO 1625HH BY SHAW)

A BILL FOR

1 An Act relating to firearms including the ownership and
2 manufacture of firearms, firearm accessories, and
3 ammunition, providing for a penalty, and including effective
4 date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1625SS (2) 85
rh/rj



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1 Section 1. Section 724.2, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. Any person, firm, or corporation who under the laws of
4 this state and the United States is lawfully engaged in the
5 improvement, invention, or manufacture of firearms, firearm
6 accessories, or ammunition.

7 Sec. 2. NEW SECTION. 724.28A Preemption — ownership and
8 manufacture of firearms, firearm accessories, and ammunition.

9 1. A public servant in this state or a firearm dealer who
10 sells a firearm in this state shall not enforce or attempt
11 to enforce any federal order, law, or regulation relating
12 to firearms, firearm accessories, or ammunition owned or
13 manufactured commercially or privately in this state and that
14 remains exclusively within this state.

15 2. An official, agent, or employee of the federal government
16 who enforces or attempts to enforce any federal order, law,
17 or regulation relating to firearms, firearm accessories, or
18 ammunition owned or manufactured commercially or privately in
19 this state and that remains exclusively within this state is
20 guilty of a class "D" felony.

21 3. The attorney general may defend a citizen of this
22 state who is prosecuted by the United States government for a
23 violation of any federal law relating to the manufacture, sale,
24 transfer, or possession of a firearm, firearm accessory, or
25 ammunition owned or manufactured commercially or privately in
26 this state and that remains exclusively within this state.

27 4. Any federal order, law, or regulation created on or after
28 the effective date of this Act shall be unenforceable in this
29 state if the federal order, law, or regulation attempts to do
30 any of the following:

31 a. Prohibit or restrict ownership of a semiautomatic firearm
32 or any magazine of a firearm.

33 b. Require any firearm, magazine, or other firearm accessory
34 to be registered in any manner.

35 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

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1 immediate importance, takes effect upon enactment.

2 Sec. 4. APPLICABILITY. This Act applies to firearms,
3 firearm accessories, and ammunition owned or manufactured
4 commercially or privately in this state that remains
5 exclusively within this state on or after the effective date
6 of this Act.

7 EXPLANATION

8 This bill relates to firearms, including the ownership
9 or manufacture of firearms, firearm accessories, and
10 ammunition, provides a penalty, and includes effective date and
11 applicability provisions.

12 The bill provides that a public servant in this state or
13 a firearm dealer who sells any firearm in this state shall
14 not enforce or attempt to enforce any federal order, law,
15 or regulation relating to firearms, firearm accessories, or
16 ammunition owned or manufactured commercially or privately in
17 this state and that remain exclusively within this state.

18 The bill provides that an official, agent, or employee of
19 the federal government who enforces or attempts to enforce any
20 federal order, law, or regulation relating to firearms, firearm
21 accessories, or ammunition owned or manufactured commercially
22 or privately in this state and that remain exclusively within
23 this state is guilty of a class "D" felony. A class "D" felony
24 is punishable by confinement for no more than five years and a
25 fine of at least \$750 but not more than \$7,500.

26 The bill allows the attorney general to defend a citizen of
27 this state who is prosecuted by the United States government
28 for a violation of any federal law relating to the manufacture,
29 sale, transfer, or possession of a firearm, firearm accessory,
30 or ammunition owned or manufactured commercially or privately
31 in this state and that remains exclusively within this state.

32 The bill provides that any federal order, law, or regulation
33 created on or after the effective date of the bill shall
34 be unenforceable within this state if the order, law, or
35 regulation attempts to prohibit or restrict ownership of a



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1 semiautomatic firearm or any magazine of a firearm or that
2 requires any firearm, magazine, or other firearm accessory to
3 be registered in any manner.

4 The bill makes a conforming change to Code section 724.2 to
5 authorize any person, firm, or corporation lawfully engaged in
6 the improvement, invention, or manufacture of firearms, firearm
7 accessories, or ammunition to lawfully possess such items.

8 The bill provides for an effective date upon enactment
9 and applies to firearms, firearm accessories, and ammunition
10 manufactured and retained in Iowa on or after the effective
11 date.



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Senate File 255 - Introduced

SENATE FILE 255

BY SORENSON, FEENSTRA,
SEGEBART, SINCLAIR,
ANDERSON, CHELGREN, SMITH,
ERNST, and BEHN

A BILL FOR

1 An Act modifying the conditions of the use of justifiable
2 reasonable force and providing a remedy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1314SS (3) 85
jm/rj



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1 Section 1. Section 704.1, Code 2013, is amended to read as
2 follows:

3 **704.1 Reasonable force.**

4 1. "Reasonable force" is means that force and no more which
5 a reasonable person, in like circumstances, would judge to
6 be necessary to prevent an injury or loss and can include
7 deadly force if it is reasonable to believe that such force is
8 necessary to avoid injury or risk to one's life or safety or
9 the life or safety of another, or it is reasonable to believe
10 that such force is necessary to resist alike force or threat.

11 2. Reasonable force, including deadly force, may be used
12 even if an alternative course of action is available if the
13 alternative entails a risk to life or safety, or the life or
14 safety of a third party, or requires one to abandon or retreat
15 from one's dwelling or place of business or employment.

16 3. A person may be wrong in the estimation of the danger or
17 the force necessary to repel the danger as long as there is a
18 reasonable basis for the belief of the person and the person
19 acts reasonably in the response to that belief.

20 4. A person who is not engaged in illegal activity has no
21 duty to retreat from any place where the person is lawfully
22 present before using force as specified in this chapter.
23 A finder of fact shall not be permitted to consider the
24 possibility of retreat as a factor in determining whether or
25 not a person who used force reasonably believed that the force
26 was necessary to prevent injury, loss, or risk to life or
27 safety.

28 Sec. 2. Section 704.2, Code 2013, is amended by adding the
29 following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. A threat to cause serious injury
31 or death, by the production, display, or brandishing of a
32 deadly weapon, is not deadly force, as long as the actions of
33 the person are limited to creating an expectation that the
34 person may use deadly force to defend oneself, another, or as
35 otherwise authorized by law.

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1 Sec. 3. NEW SECTION. **704.2A** Justifiable use of deadly
2 force.

3 1. For purposes of this chapter, a person is presumed to
4 reasonably believe that deadly force is necessary to avoid
5 injury or risk to one's life or safety or the life or safety of
6 another in either of the following circumstances:

7 a. The person against whom force is used, at the time the
8 force is used, is doing any of the following:

9 (1) Unlawfully entering by force or stealth, or has
10 unlawfully entered by force or stealth and remains within the
11 dwelling, place of business or employment, or occupied vehicle
12 of the person using force.

13 (2) Unlawfully removing or is attempting to unlawfully
14 remove another person against the other person's will from the
15 dwelling, place of business or employment, or occupied vehicle
16 of the person using force.

17 b. The person using force knows or has reason to believe
18 that any of the conditions set forth in paragraph "a" are
19 occurring or have occurred.

20 2. The presumption set forth in subsection 1 does not
21 apply if, at the time force is used, any of the following
22 circumstances are present:

23 a. The person using defensive force is engaged in a
24 criminal offense, is attempting to escape from the scene of a
25 criminal offense that the person has committed, or is using the
26 dwelling, place of business or employment, or occupied vehicle
27 to further a criminal offense.

28 b. The person sought to be removed is a child or grandchild
29 or is otherwise in the lawful custody or under the lawful
30 guardianship of the person against whom force is used.

31 c. The person against whom force is used is a peace officer
32 who has entered or is attempting to enter a dwelling, place
33 of business or employment, or occupied vehicle in the lawful
34 performance of the peace officer's official duties, and the
35 person using force knows or reasonably should know that the

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1 person who has entered or is attempting to enter is a peace
2 officer.

3 *d.* The person against whom the force is used has the right
4 to be in, or is a lawful resident of, the dwelling, place of
5 business or employment, or occupied vehicle of the person using
6 force, and a protective or no-contact order is not in effect
7 against the person against whom the force is used.

8 Sec. 4. Section 704.3, Code 2013, is amended to read as
9 follows:

10 **704.3 Defense of self or another.**

11 A person is justified in the use of reasonable force when
12 the person reasonably believes that such force is necessary to
13 defend oneself or another from any actual or imminent use of
14 unlawful force.

15 Sec. 5. NEW SECTION. **704.4A Immunity for justifiable use of**
16 **force.**

17 1. As used in this section, "*criminal prosecution*" means
18 arrest, detention, charging, or prosecution.

19 2. A person who uses reasonable force pursuant to this
20 chapter shall be immune from any criminal prosecution or civil
21 action for using such force.

22 3. A law enforcement agency may use standard investigating
23 procedures for investigating the use of force, but the law
24 enforcement agency shall not arrest a person for using force
25 unless the law enforcement agency determines there is probable
26 cause that the force was unlawful under this chapter.

27 4. The court shall award reasonable attorney fees, court
28 costs, compensation for loss of income, and all expenses
29 incurred by the defendant in defense of any civil action
30 brought by the plaintiff if the court finds that the defendant
31 is immune from prosecution as provided in subsection 2.

32 Sec. 6. Section 704.7, Code 2013, is amended to read as
33 follows:

34 **704.7 Resisting ~~forcible~~ violent felony.**

35 1. As used in this section, "*violent felony*" means any

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1 felonious sexual abuse involving compulsion or the use of a
2 weapon or any felonious assault, murder, kidnapping, robbery,
3 arson, or burglary.

4 2. A person who knows reasonably believes that a forcible
5 violent felony is being or will imminently be perpetrated is
6 justified in using, against the perpetrator, reasonable force,
7 including deadly force, against the perpetrator or perpetrators
8 to prevent the completion of or terminate the perpetration of
9 that felony.

10 Sec. 7. REPEAL. Section 707.6, Code 2013, is repealed.

11	EXPLANATION
----	-------------

12 Current law provides that a person may use reasonable force,
13 including deadly force, even if an alternative course of action
14 is available if the alternative entails a risk of life or
15 safety, or the life or safety of a third party, or requires one
16 to abandon or retreat from one's residence or place of business
17 or employment.

18 This bill provides that a person may use reasonable force,
19 including deadly force, if it is reasonable to believe such
20 force is necessary to avoid injury or risk to one's life or
21 safety or the life or safety of another, even if an alternative
22 course of action is available if the alternative entails a risk
23 to life or safety, or the life or safety of a third party.

24 The bill provides that a person may be wrong in the
25 estimation of the danger or the force necessary to repel the
26 danger as long as there is a reasonable basis for the belief
27 and the person acts reasonably in the response to that belief.

28 The bill further provides that a person who is not engaged in
29 an illegal activity has no duty to retreat from any place where
30 the person is lawfully present before using force. The bill
31 prohibits a finder of fact from considering the possibility of
32 retreat as a factor in determining whether or not a person who
33 used force reasonably believed that the force was necessary to
34 prevent injury, loss, or risk to life or safety.

35 The bill provides that a threat to cause serious injury

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1 or death by the production, display, or brandishing of a
2 deadly weapon, is not deadly force, as long as the actions of
3 the person are limited to creating an expectation that the
4 person may use deadly force to defend oneself, another, or as
5 otherwise authorized by law.

6 The bill creates presumptions for the justifiable use of
7 deadly force in certain circumstances.

8 Under the bill, a person is presumed to be justified in
9 using deadly force if the person reasonably believes that
10 deadly force is necessary to avoid injury or risk to one's
11 life or safety or the life or safety of another under the
12 following circumstances: the person against whom force is used
13 is unlawfully entering by force or stealth, or has unlawfully
14 entered by force or stealth and remains within a dwelling,
15 place of business or employment, or occupied vehicle of the
16 person using force; or the person against whom force is used
17 is unlawfully removing or attempting to remove another person
18 against the other person's will from a dwelling, place of
19 business or employment, or occupied vehicle of the person using
20 force. In addition, the person using force must know or have
21 reason to believe that the aforementioned circumstances are
22 occurring or have occurred.

23 The presumption of the use of justifiable deadly force
24 under the bill does not apply at the time force is used in the
25 following circumstances: the person using defensive force is
26 engaged in a criminal offense or activity; the person sought
27 to be removed is a child or grandchild or is otherwise in the
28 lawful custody of the person against whom force is used; the
29 person against whom force is used is a peace officer who has
30 entered or is attempting to enter a dwelling, place of business
31 or employment, or occupied vehicle in the lawful performance
32 of the peace officer's official duties, and the person using
33 force knows or reasonably should know that the person who has
34 entered or is attempting to enter is a peace officer; or the
35 person against whom force is used has the right to be in, or

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1 is a lawful resident of, the dwelling, place of business or
2 employment, or occupied vehicle of the person using force, and
3 a protective or no-contact order is not in effect against the
4 person against whom the force is used.

5 The bill provides that a person is justified in the use of
6 reasonable force when the person reasonably believes that such
7 force is necessary to defend oneself or another from any actual
8 as well as imminent use of unlawful force.

9 The bill also provides that a person who uses reasonable
10 force shall be immune from any criminal prosecution or civil
11 action for using such force.

12 Under the bill, a law enforcement agency shall not arrest a
13 person for using force unless it determines there is probable
14 cause that the force was unlawful under Code chapter 704.

15 The bill also provides that if a defendant is sued by a
16 plaintiff for using reasonable force, the court shall award the
17 defendant reasonable attorney fees, court costs, compensation
18 for loss of income, and other damages if the court finds the
19 defendant is immune from prosecution.

20 The bill also provides that a person who reasonably
21 believes that a violent felony is being or will imminently be
22 perpetrated is justified in using reasonable force, including
23 deadly force, against a perpetrator to prevent or terminate the
24 perpetration of that felony. The bill defines "violent felony"
25 to mean any felonious assault, murder, violent or forced sexual
26 abuse, kidnapping, robbery, arson, or burglary.



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Senate Joint Resolution 5 - Introduced

SENATE JOINT RESOLUTION 5
BY GUTH, SEGEBART, CHAPMAN,
SINCLAIR, ANDERSON,
CHELGREN, WHITVER,
BOETTGER, JOHNSON, BEHN,
ROZENBOOM, FEENSTRA,
SORENSEN, SMITH, BERTRAND,
ERNST, GREINER, and HOUSER

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa specifying marriage between one man
3 and one woman as the only legal union that is valid or
4 recognized in the state.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1086XS (2) 85
pf/rj

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S.J.R. 5

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article I of the Constitution of the State of Iowa is amended
4 by adding the following new section:

5 **Marriage.** SEC. 26. Marriage between one man and one woman
6 shall be the only legal union valid or recognized in this
7 state.

8 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
9 to the Constitution of the State of Iowa is referred to the
10 general assembly to be chosen at the next general election
11 for members of the general assembly, and the secretary of
12 state is directed to cause the same to be published for three
13 consecutive months previous to the date of that election as
14 provided by law.

EXPLANATION

16 This joint resolution proposes an amendment to the
17 Constitution of the State of Iowa specifying that marriage
18 between one man and one woman shall be the only legal union
19 valid or recognized in this state.

20 The joint resolution, if adopted, would be referred to the
21 next general assembly for adoption a second time before being
22 submitted to the electorate for ratification.



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Senate Study Bill 1199 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED MENTAL HEALTH
AND DISABILITY SERVICES
REDESIGN FISCAL VIABILITY
STUDY COMMITTEE BILL)

A BILL FOR

1 An Act relating to human services involving mental health
2 and disability services and children's services, making
3 appropriations, and including effective dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1663IC (17) 85
jp/rj



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S.F. _____ H.F. _____

1 DIVISION I
2 SYSTEM REDESIGN — IMPLEMENTATION
3 COMMUNITY CORRECTIONS SYSTEM ACCESS TO REGIONAL SERVICES
4 Section 1. Section 331.395, Code 2013, is amended by adding
5 the following new subsection:
6 NEW SUBSECTION. 5. If adequate funding is provided through
7 a state appropriation made for purposes of paying for services
8 authorized pursuant to this subsection, a person with an income
9 within the level specified in subsection 1 who is housed by or
10 supervised by a judicial district department of correctional
11 services established under chapter 905 shall be deemed to
12 have met the income and resource eligibility requirements for
13 services under the regional service system.
14 ELIGIBILITY MAINTENANCE
15 Sec. 2. Section 331.396, subsection 1, Code 2013, is amended
16 by adding the following new paragraph:
17 NEW PARAGRAPH. *0d.* Notwithstanding paragraphs “a” through
18 “c”, the person is an adult or child who received mental health
19 services from a county in accordance with the county’s service
20 management plan approved under section 331.439, Code 2013.
21 Sec. 3. Section 331.396, subsection 2, Code 2013, is amended
22 by adding the following new paragraph:
23 NEW PARAGRAPH. *0d.* Notwithstanding paragraphs “a” through
24 “c”, the person is an adult or child who received intellectual
25 disability services from a county in accordance with the
26 county’s service management plan approved in accordance with
27 section 331.439, Code 2013.
28 Sec. 4. Section 331.397, subsection 2, paragraph b, Code
29 2013, is amended to read as follows:
30 *b.* Until funding is designated for other service
31 populations, eligibility for the service domains listed in this
32 section shall be limited to such persons who are in need of
33 mental health or intellectual disability services. However, if
34 a county in a region was providing services to an individual
35 child or to an individual adult person with a developmental

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1 disability other than intellectual disability or a brain injury
2 prior to formation of the region, the individual child or adult
3 person shall remain eligible for the services provided when the
4 region is formed, provided that funds are available to continue
5 such services.

6 STATE PAYMENTS TO REGION

7 Sec. 5. Section 426B.3, subsection 4, as enacted by 2012
8 Iowa Acts, chapter 1120, section 137, is amended to read as
9 follows:

10 4. a. For the fiscal years beginning July 1, 2013, and
11 July 1, 2014, a county with a county population expenditure
12 target amount that exceeds the amount of the county's base year
13 expenditures for mental health and disabilities services shall
14 receive an equalization payment for the difference.

15 b. The equalization payments determined in accordance
16 with this subsection shall be made by the department of human
17 services for each fiscal year as provided in appropriations
18 made from the property tax relief fund for this purpose. If
19 the county is part of a region that has been approved by the
20 department in accordance with section 331.389, to commence
21 partial or full operations, the county's equalization payment
22 shall be remitted to the region for expenditure as approved by
23 the region's governing board.

24 STRATEGIC PLAN REQUIREMENT FOR FY 2013-2014

25 Sec. 6. 2012 Iowa Acts, chapter 1128, section 8, is amended
26 to read as follows:

27 SEC. 8. COUNTY MENTAL HEALTH, ~~MENTAL RETARDATION~~
28 INTELLECTUAL DISABILITY, AND DEVELOPMENTAL DISABILITIES
29 SERVICES MANAGEMENT PLAN — STRATEGIC PLAN. Notwithstanding
30 section 331.439, subsection 1, paragraph "b", subparagraph (3),
31 counties are not required to submit a three-year strategic
32 plan by April 1, 2012, to the department of human services. A
33 county's strategic plan in effect as of the effective date of
34 this section shall remain in effect until the regional service
35 system management plan for the region to which the county

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1 belongs is approved in accordance with section 331.393, subject
2 to modification before that date as necessary to conform with
3 statutory changes affecting the plan and any amendments to the
4 plan that are adopted in accordance with law.

5 TRANSITION FUND — SERVICES MAINTENANCE

6 Sec. 7. TRANSITION FUND — SERVICES MAINTENANCE. A county
7 receiving an allocation of funding from the mental health and
8 disability services redesign transition fund created in 2012
9 Iowa Acts, chapter 1120, section 23, shall utilize the funding
10 provided as necessary to avoid eliminating or reducing the
11 services provided to an individual child or other individual
12 person receiving services in accordance with the county's
13 approved service management plan in effect as of June 30, 2012,
14 provided the child or other person continues to comply with the
15 eligibility requirements applicable under the plan as of that
16 date.

17 REDESIGN EQUALIZATION PAYMENT APPROPRIATION

18 Sec. 8. MENTAL HEALTH AND DISABILITY SERVICES —
19 EQUALIZATION PAYMENTS TRANSFER AND APPROPRIATION.

20 1. There is transferred from the general fund of the
21 state to the department of human services for the fiscal year
22 beginning July 1, 2013, and ending June 30, 2014, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 For deposit in the property tax relief fund created in
26 section 426B.1, for distribution as provided in this section:
27 \$ 29,820,478

28 2. The moneys credited to the property tax relief fund in
29 accordance with this section are appropriated to the department
30 of human services for distribution of equalization payments for
31 counties in the amounts specified in section 426B.3, subsection
32 4, as enacted by 2012 Iowa Acts, chapter 1120, section 137,
33 for the fiscal year beginning July 1, 2013. If the county is
34 part of a region that has been approved by the department in
35 accordance with section 331.389, to commence partial or full

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1 operations, the county's equalization payment shall be remitted
2 to the region for expenditure as approved by the region's
3 governing board. The payments shall be remitted on or before
4 July 15, 2013.

5 SUBSTANCE-RELATED DISORDER DETOXIFICATION

6 Sec. 9. MENTAL HEALTH AND DISABILITY SERVICES POLICY
7 REVIEWS. The mental health and disability services commission
8 shall review options for the mental health and disability
9 services regions to coordinate substance-related disorder
10 funding for detoxification and other such disorder funding in
11 place of county coordination. The commission shall report to
12 the governor and general assembly its findings, options, and
13 recommendations on or before October 15, 2013.

14 MEDICAID OBLIGATION COST SETTLEMENT

15 Sec. 10. COUNTY MEDICAL ASSISTANCE NONFEDERAL SHARE —
16 COST SETTLEMENT. Any county obligation for payment to the
17 department of human services of the nonfederal share of the
18 cost of services provided under the medical assistance program
19 prior to July 1, 2012, pursuant to sections 249A.12 and
20 249A.26, shall remain at the amount agreed upon as of June 30,
21 2013. Beginning July 1, 2013, other than a county payment on
22 the obligation, the department shall be responsible for any
23 adjustment that would otherwise be applied to the amount of the
24 county obligation after that date due to cost settlement of
25 charges or other reasons.

26 CONTINUATION OF STATE PAYMENT PROGRAM FUNDING

27 Sec. 11. STATE PAYMENT PROGRAM — FY 2013-2014. Unless
28 otherwise provided by law, state payment program moneys
29 appropriated for the fiscal year beginning July 1, 2013, to pay
30 the costs of non-Medicaid mental health and disability services
31 provided by counties to persons without a county of legal
32 settlement considered in the previous fiscal year to be a state
33 case shall continue to be remitted to the county of residence
34 paying for the services. If the county of residence is part of
35 a region that has been approved by the department in accordance

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1 with section 331.389, to commence partial or full operations,
2 the state payment program moneys shall be remitted to the
3 region for expenditure as approved by the region's governing
4 board.

5 Sec. 12. EFFECTIVE UPON ENACTMENT. This division of this
6 Act, being deemed of immediate importance, takes effect upon
7 enactment.

8 DIVISION II
9 DATA AND STATISTICAL INFORMATION AND OUTCOME AND PERFORMANCE
10 MEASURES

11 Sec. 13. Section 225C.4, subsection 1, paragraph j, Code
12 2013, is amended to read as follows:

13 *j.* Establish and maintain a data collection and management
14 information system oriented to the needs of patients,
15 providers, the department, and other programs or facilities in
16 accordance with section 225C.6A. The system shall be used to
17 identify, collect, and analyze service outcome and performance
18 measures data in order to assess the effects of the services on
19 the persons utilizing the services. The administrator shall
20 annually submit to the commission information collected by the
21 department indicating the changes and trends in the disability
22 services system. The administrator shall make the outcome data
23 available to the public.

24 Sec. 14. Section 225C.6A, Code 2013, is amended to read as
25 follows:

26 **225C.6A Disability services system ~~redesign~~ central data**
27 **repository.**

28 1. The ~~commission~~ department shall do the following
29 relating to ~~redesign of~~ data concerning the disability services
30 system in the state:

31 ~~1. Identify sources of revenue to support statewide~~
32 ~~delivery of core disability services to eligible disability~~
33 ~~populations.~~

34 ~~2. Ensure there is a continuous improvement process for~~
35 ~~development and maintenance of the disability services system~~

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1 ~~for adults and children. The process shall include but is not~~
2 ~~limited to data collection and reporting provisions.~~

3 ~~3.~~ a. Plan, collect, and analyze data as necessary to
4 issue cost estimates for serving additional populations and
5 providing core disability services statewide. The department
6 shall maintain compliance with applicable federal and state
7 privacy laws to ensure the confidentiality and integrity of
8 individually identifiable disability services data. The
9 department ~~shall regularly~~ may periodically assess the status
10 of the compliance in order to assure that data security is
11 protected.

12 b. ~~In implementing~~ Implement a system central data
13 repository under this ~~subsection~~ section for collecting and
14 analyzing state, county and region, and private contractor
15 data, ~~the.~~ The department shall establish a client identifier
16 for the individuals receiving services. ~~The client identifier~~
17 ~~shall be used in lieu of the individual's name or social~~
18 ~~security number. The client identifier shall consist of the~~
19 ~~last four digits of an individual's social security number,~~
20 ~~the first three letters of the individual's last name, the~~
21 ~~individual's date of birth, and the individual's gender in an~~
22 ~~order determined by the department.~~

23 c. Consult on an ongoing basis with regional administrators,
24 service providers, and other stakeholders in implementing the
25 central data repository and operations of the repository. The
26 consultation shall focus on minimizing the state and local
27 costs associated with operating the repository.

28 d. Engage with other state and local government and
29 nongovernmental entities operating the Iowa health information
30 network under chapter 135 and other data systems that maintain
31 information relating to individuals with information in the
32 central data repository in order to integrate data concerning
33 individuals.

34 ~~c.~~ 2. A county or region shall not be required to utilize a
35 uniform data operational or transactional system. However, the

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1 system utilized shall have the capacity to exchange information
2 with the department, counties and regions, contractors, and
3 others involved with services to persons with a disability
4 who have authorized access to the central data repository.
5 The information exchanged shall be labeled consistently
6 and share the same definitions. Each county regional
7 administrator shall regularly report to the department annually
8 on or before December 1, for the preceding fiscal year the
9 following information for each individual served: demographic
10 information, expenditure data, and data concerning the services
11 and other support provided to each individual, as specified
12 in administrative rule adopted by the commission by the
13 department.

14 ~~4. Work with county representatives and other qualified~~
15 ~~persons to develop an implementation plan for replacing the~~
16 ~~county of legal settlement approach to determining service~~
17 ~~system funding responsibilities with an approach based upon~~
18 ~~residency. The plan shall address a statewide standard for~~
19 ~~proof of residency, outline a plan for establishing a data~~
20 ~~system for identifying residency of eligible individuals,~~
21 ~~address residency issues for individuals who began residing in~~
22 ~~a county due to a court order or criminal sentence or to obtain~~
23 ~~services in that county, recommend an approach for contesting~~
24 ~~a residency determination, and address other implementation~~
25 ~~issues.~~

26 3. The outcome and performance measures applied to the
27 regional disability services system shall utilize measurement
28 domains. The department may identify other measurement domains
29 in consultation with system stakeholders to be utilized in
30 addition to the following initial set of measurement domains:

- 31 a. Access to services.
32 b. Life in the community.
33 c. Person-centeredness.
34 d. Health and wellness.
35 e. Quality of life and safety.

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1 f. Family and natural supports.
2 4. a. The processes used for collecting outcome and
3 performance measures data shall include but are not limited
4 to direct surveys of the individuals and families receiving
5 services and the providers of the services. The department
6 shall involve a workgroup of persons who are knowledgeable
7 about both the regional service system and survey techniques
8 to implement and maintain the processes. The workgroup shall
9 conduct an ongoing evaluation for the purpose of eliminating
10 the collection of information that is not utilized. The
11 surveys shall be conducted with a conflict-free approach in
12 which someone other than a provider of services surveys an
13 individual receiving the services.
14 b. The outcome and performance measures data shall encompass
15 and provide a means to evaluate both the regional services and
16 the services funded by the medical assistance program provided
17 to the same service populations.
18 c. The department shall develop and implement an
19 internet-based approach with graphical display of information
20 to provide outcome and performance measures data to the public
21 and those engaged with the regional service system.
22 d. The department shall include any significant costs for
23 collecting and interpreting outcome and performance measures
24 and other data in the department's operating budget.
25 Sec. 15. REPEAL. The amendment to section 225C.4,
26 subsection 1, paragraph j, in 2012 Iowa Acts, chapter 1120,
27 section 2, is repealed.
28 Sec. 16. REPEAL. The amendments to section 225C.6A, in 2012
29 Iowa Acts, chapter 1120, sections 6, 7, and 95, are repealed.
30 DIVISION III
31 CHILDREN'S CABINET
32 Sec. 17. NEW SECTION. 242.1 Findings.
33 The general assembly finds there is a need for a state-level
34 children's cabinet to provide guidance, oversight, problem
35 solving, long-term strategy development, and collaboration

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1 among the state and local efforts to build a comprehensive,
2 coordinated system to promote the well-being of the children
3 in this state and to address the needs of children for mental
4 health treatment and other specialized services.

5 Sec. 18. NEW SECTION. **242.2 Children's cabinet established.**

6 There is established within the department of human services
7 a children's cabinet.

8 1. The voting members of the children's cabinet shall
9 consist of the following:

10 a. The director of the department of education or the
11 director's designee.

12 b. The director of the department of human services or the
13 director's designee. This member shall be chairperson of the
14 cabinet.

15 c. The director of the department of public health or the
16 director's designee.

17 d. A parent of a child with a severe emotional disturbance
18 or a disability who is the primary caregiver for that child,
19 appointed by the governor.

20 e. A juvenile court judge or juvenile court officer
21 appointed by the chief justice of the supreme court.

22 f. A community-based provider of child welfare, health,
23 or juvenile justice services to children, appointed by the
24 director of human services.

25 g. A member of the early childhood Iowa state board,
26 appointed by the state board.

27 h. A community stakeholder who is not affiliated with a
28 provider of services, appointed by the governor.

29 i. Not more than three other members designated by
30 the cabinet chairperson to ensure adequate representation
31 of the persons and interests who may be affected by the
32 recommendations made by the cabinet.

33 2. In addition to the voting members, there shall be four ex
34 officio, nonvoting members of the children's cabinet. These
35 members shall be two state representatives, one appointed by

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1 the speaker of the house of representatives and one by the
2 minority leader of the house of representatives, and two state
3 senators, one appointed by the majority leader of the senate
4 and one by the minority leader of the senate.

5 3. a. The voting members, other than department directors
6 and their designees, shall be appointed for four-year terms.

7 The terms of such members begin on May 1 in the year of
8 appointment and expire on April 30 in the year of expiration.

9 b. Vacancies shall be filled in the same manner as original
10 appointments. A vacancy shall be filled for the unexpired
11 term.

12 c. The voting members shall receive actual and necessary
13 expenses incurred in the performance of their duties and
14 legislative members shall be compensated as provided in section
15 2.32A.

16 4. Staffing services for the children's cabinet shall be
17 provided by the department of human services.

18 Sec. 19. NEW SECTION. 242.3 Duties.

19 The children's cabinet shall perform the following duties to
20 address the needs of children and families in this state:

21 1. Develop operating provisions for health homes for
22 children implemented by the department of human services. The
23 provisions shall include but are not limited to all of the
24 following:

25 a. Identification of quality expectations.

26 b. Identification of performance criteria.

27 c. Provisions for monitoring the implementation of
28 specialized health homes.

29 2. Gather information and improve the understanding of
30 policymakers and the public of how the various service systems
31 intended to meet the needs of children and families operate at
32 the local level.

33 3. Address areas of overlap, gaps, and conflict between
34 service systems.

35 4. Support the evolution of service systems in implementing

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1 new services and enhancing existing services to address the
2 needs of children and families through process improvement
3 methodologies.

4 5. Assist policymakers and service system users in
5 understanding and effectively managing system costs.

6 6. Ensure services offered are evidence-based.

7 7. Issue guidelines to enable the services and other support
8 which is provided by or under the control of state entities and
9 delivered at the local level to have sufficient flexibility to
10 engage local resources and meet unique needs of children and
11 families.

12 8. Integrate efforts of policymakers and service providers
13 to improve the well-being of community members in addition to
14 children and families.

15 9. Implement strategies so that the children and families
16 engaged with the service systems avoid the need for higher
17 level services and other support.

18 10. Oversee the practices utilized by accountable care
19 organizations and other care management entities operating on
20 behalf of the state in the provision of government supported
21 children's services and systems of care.

22 11. Submit a report annually by December 15 to the governor,
23 general assembly, and supreme court providing findings and
24 recommendations and issue other reports as deemed necessary by
25 the cabinet.

26 Sec. 20. INITIAL TERMS. Notwithstanding section 242.2,
27 subsection 3, paragraph "a", as enacted by this division of
28 this Act, the appointing authorities for the members of the
29 children's cabinet created by this division of this Act who are
30 subject to terms of service shall be coordinated so that the
31 initial terms of approximately half of such members are two
32 years and the remainder are for four years and remain staggered
33 thereafter.

34 EXPLANATION

35 This bill relates to mental health and disability services

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1 (MH/DS) administered by counties and the regions being formed
2 by counties to provide adult MH/DS that are not covered by the
3 medical assistance (Medicaid) program, children's services, and
4 makes appropriations. The bill relates to recommendations made
5 to the mental health and disability services redesign fiscal
6 viability study committee by various committees and workgroups
7 created or continued by the MH/DS redesign legislation enacted
8 in 2012 Iowa Acts, chapter 1120 (SF 2315) and chapter 1133 (SF
9 2336). The bill is organized into divisions according to the
10 committee or workgroup that made the recommendations.

11 SYSTEM REDESIGN IMPLEMENTATION. The transition committee
12 was created by the department of human services (DHS) pursuant
13 to SF 2315, section 22, consisting of "appropriate stakeholders
14 with whom to consult on the transition from the current mental
15 health and disability services system to the regional service
16 system".

17 Code section 331.395, relating to financial eligibility
18 requirements for the regional service system, is amended to
19 provide eligibility for the regional service system for persons
20 who meet income requirements and are housed by or supervised by
21 community-based correctional services, if a state appropriation
22 is made to cover the service costs.

23 Code section 331.396, relating to diagnosis and functional
24 assessment requirements for eligibility for the regional
25 service system, is amended to provide that a child or adult
26 person who received mental health or intellectual disability
27 services under an approved county management plan, remains
28 eligible under the regional system regardless of the financial
29 eligibility requirements, adult age requirement, and diagnosis
30 requirements for the regional system. The person's eligibility
31 for individualized services is subject to determination in
32 accordance with a functional assessment.

33 Code section 331.397, relating to the requirements
34 for regional core services, is amended to provide that
35 an individual child or individual adult person with a

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1 developmental disability or a brain injury who was receiving
2 services prior to formation of a region remains eligible for
3 the services after formation of the region, subject to the
4 availability of funding.

5 Code section 426B.3, as amended by SF 2315, relates to
6 eligibility for equalization payments from the state in fiscal
7 years 2013-2014 and 2014-2015 for those counties with a base
8 year levy which is less than a target amount computed by
9 multiplying the county's general population times a statewide
10 per capita expenditure target amount of \$47.28. The bill
11 provides that if the county is part of a region approved by
12 DHS to commence partial or full operations, the county's
13 equalization payment is remitted to the region for expenditure
14 as approved by the region's governing board.

15 Under Code section 331.439, counties are required to submit
16 a three-year strategic plan for MH/DS and the latest plan was
17 due by April 1, 2012. In accordance with 2012 Iowa Acts,
18 chapter 1128, the strategic plan submission was not required
19 and the existing strategic plan remained in effect. The bill
20 provides that a county's strategic plan remains in effect,
21 unless modified pursuant to statute or amended by the county,
22 until it is replaced by approval of the regional service system
23 management plan for the region to which the county belongs.

24 If a county receives an allocation of funding from the mental
25 health and disability services redesign transition fund created
26 in SF 2315, the county is required to utilize the funding
27 provided as necessary to avoid eliminating or reducing the
28 services provided to an individual child or other individual
29 person receiving services in accordance with the county's
30 approved service management plan in effect as of June 30, 2012,
31 provided the child or other person continues to comply with the
32 eligibility requirements applicable under the plan as of that
33 date.

34 A transfer of approximately \$30 million is made from
35 the general fund of the state to DHS to be credited to the

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1 property tax relief fund and is appropriated for DHS to make
2 equalization payments to eligible counties for FY 2013-2014.

3 The MH/DS commission is required to review options for the
4 MH/DS regions to coordinate substance-related disorder funding
5 for detoxification and other such disorder funding in place of
6 county coordination. The commission is required to report to
7 the governor and general assembly its findings, options, and
8 recommendations on or before October 15, 2013.

9 Any county obligation for payment to DHS of the nonfederal
10 share of the cost of services provided under the Medicaid
11 program prior to July 1, 2012, is required to remain at the
12 amount agreed upon as of June 30, 2013. Beginning July 1,
13 2013, other than a county payment on the obligation, DHS is
14 responsible for any adjustment that would otherwise be applied
15 to the amount of the county obligation after that date due to
16 cost settlement of charges or other reasons.

17 Unless otherwise provided by law, state payment program
18 moneys appropriated to DHS for FY 2013-2014, to pay the costs
19 of non-Medicaid mental health and disability services provided
20 by counties to persons without a county of legal settlement
21 considered in the previous fiscal year to be a state case,
22 shall continue to be remitted to the county of residence paying
23 for the services. If the county of residence is part of a
24 region that has been approved by DHS to commence partial or
25 full operations, the state payment program moneys shall be
26 remitted to the region for expenditure as approved by the
27 region's governing board.

28 This division takes effect upon enactment.

29 DATA AND STATISTICAL INFORMATION AND OUTCOME AND PERFORMANCE
30 MEASURES. This division relates to recommendations submitted
31 by the data and statistical information integration workgroup
32 and the outcomes and performance measures committee.

33 Current law is amended in Code section 225C.4, relating
34 to the duties of the DHS MH/DS division administrator, and
35 in Code section 225C.6A, relating to disability services

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1 system redesign, to delineate requirements pertaining to
2 MH/DS state collection and management information systems
3 and outcome and performance data. These Code provisions
4 were previously amended by SF 2315. The bill incorporates
5 the SF 2315 amendments and adds new language and repeals
6 the SF 2315 amendments that would otherwise take effect on
7 July 1, 2013. For Code section 225C.4, the bill references
8 in the administrator's duties the specific new requirements
9 established by the bill in Code section 225C.6A. The new
10 requirements pertain to DHS implementation of a central data
11 repository, information exchange capacity, regular reporting
12 of individual information, data security, consultation with
13 regional staff, providers, and other stakeholders, engaging
14 with other data systems, outcome and performance measure
15 domains, use of surveys, evaluation of both regional and
16 Medicaid services, provision of data to the public via an
17 internet-based approach with graphical information, and
18 inclusion of significant costs associated with the data and
19 measures in the DHS budget.

20 CHILDREN'S CABINET. This division relates to the
21 recommendations submitted by the children's disability
22 workgroup to create a children's cabinet.

23 New Code section 242.1 lists legislative findings as to the
24 need for the children's cabinet. The needs identified are
25 to provide guidance, oversight, problem solving, long-term
26 strategy development, and collaboration among the state and
27 local efforts to build a comprehensive, coordinated system to
28 promote the well-being of the children in this state and to
29 address the needs of children for mental health treatment and
30 other specialized services.

31 New Code section 242.2 provides for appointment of members
32 to the children's cabinet. The director of the department of
33 human services (DHS) or the director's designee is to be the
34 chairperson of the cabinet and appoint up to three additional
35 members to the cabinet, and DHS is required to staff the

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1 cabinet. Various state agencies are identified for membership
2 along with community stakeholders. Four members of the
3 general assembly are required to be appointed to serve in an
4 ex officio, nonvoting capacity.

5 New Code section 242.3 delineates the duties of the
6 children's cabinet, including the development of operating
7 provisions for health homes for children and the practices
8 utilized by other aspects of the service systems for children.
9 The children's cabinet is required to report annually by
10 December 15 to the governor, general assembly, and supreme
11 court providing findings and recommendations and issue other
12 reports as deemed necessary by the cabinet.

13 A temporary provision provides for appointment of
14 approximately half of the initial voting members of the
15 children's cabinet other than department heads to two-year
16 terms in order to stagger the terms.



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Senate Study Bill 1200 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act concerning the authority of a micro-distilled spirits
2 permit holder to sell and serve alcohol on the premises of
3 the micro-distillery.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 123.43A, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. A micro-distillery shall not sell more than ~~one and~~
4 ~~one-half liters~~ one case per person per day, of micro-distilled
5 spirits on the premises of the micro-distillery. In addition,
6 a micro-distillery shall not directly ship micro-distilled
7 spirits for sale at retail. The micro-distillery shall
8 maintain records of individual purchases of micro-distilled
9 spirits at the micro-distillery for three years.

10 Sec. 2. Section 123.43A, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3A. A holder of a class "A" micro-distilled
13 spirits permit holder may conduct no more than fifty-two
14 special events per year on the premises of the micro-distillery
15 in which liquor that is purchased is served by a special class
16 "C" liquor control license holder with catering privileges to
17 serve liquor, wine, and beer.

18 EXPLANATION

19 This bill concerns the authority of a micro-distilled
20 spirits permit holder.

21 The bill increases from 1.5 liters to one case the amount of
22 micro-distilled spirits a permit holder can sell to a person
23 per day on the premises of the micro-distillery.

24 The bill also authorizes a micro-distilled spirits permit
25 holder to conduct no more than 52 special events per year in
26 which liquor that is purchased is served on the premises by a
27 special class "C" liquor control license holder with catering
28 privileges to serve liquor, wine, and beer.



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Senate Study Bill 1201 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act concerning the municipal fire and police retirement
2 system and including effective date and retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ec/sc



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1 Section 1. Section 400.8, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. The commission, when necessary under the rules,
4 including minimum and maximum age limits, which shall be
5 prescribed and published in advance by the commission and
6 posted in the city hall, shall hold examinations for the
7 purpose of determining the qualifications of applicants
8 for positions under civil service, other than promotions,
9 which examinations shall be practical in character and shall
10 relate to matters which will fairly test the mental and
11 physical ability of the applicant to discharge the duties of
12 the position to which the applicant seeks appointment. The
13 physical examination of applicants for appointment to the
14 positions of police officer, police matron, or fire fighter
15 shall be held in accordance with medical protocols established
16 by the board of trustees of the fire and police retirement
17 system established by section 411.5 and shall be conducted
18 in accordance with the directives of the board of trustees.
19 However, the prohibitions of section 216.6, subsection 1,
20 paragraph "d", regarding tests for the presence of the antibody
21 to the human immunodeficiency virus shall not apply to such
22 examinations. The board of trustees may change the medical
23 protocols at any time the board so determines. In the event of
24 a conflict between the medical protocols established under this
25 section and the minimum entrance requirements of the Iowa law
26 enforcement academy under section 80B.11, the medical protocols
27 established under this section shall control. The physical
28 examination of an applicant for the position of police officer,
29 police matron, or fire fighter shall be conducted after a
30 conditional offer of employment has been made to the applicant.
31 An applicant shall not be discriminated against on the basis
32 of height, weight, sex, or race in determining physical or
33 mental ability of the applicant. Reasonable rules relating to
34 strength, agility, and general health of applicants shall be
35 prescribed. The costs of the physical examination required



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1 under this subsection shall be paid from the trust and agency
2 fund of the city.

3 Sec. 2. Section 411.1, subsection 14, Code 2013, is amended
4 to read as follows:

5 14. "*Member in good standing*" means a member in service who
6 is not subject to removal by the employing city of the member
7 pursuant to section 400.18 or 400.19, or other comparable
8 process, and who is not the subject of an investigation that
9 could lead to such removal. A Except as specifically provided
10 pursuant to section 411.9, a person who is restored to active
11 service for purposes of applying for a pension under this
12 chapter is not a member in good standing.

13 Sec. 3. Section 411.1, Code 2013, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 23. "*Vested member*" means a member who has
16 become eligible to receive monthly retirement benefits upon the
17 member's retirement as the result of either completing at least
18 four years of service or of attaining the age of fifty-five
19 while performing membership service.

20 Sec. 4. Section 411.5, subsection 12, paragraph e, Code
21 2013, is amended by striking the paragraph and inserting in
22 lieu thereof the following:

23 e. Notwithstanding any provision of this chapter to the
24 contrary, all benefits under this chapter shall commence no
25 later than the required beginning date specified under section
26 401(a)(9) of the federal Internal Revenue Code and shall comply
27 with the required minimum distribution provisions of that
28 section.

29 Sec. 5. Section 411.6, subsection 1, paragraph b, Code 2013,
30 is amended to read as follows:

31 b. Any vested member in service ~~who has been a member of~~
32 ~~the retirement system four or more years and~~ whose employment
33 is terminated ~~prior to the member's retirement~~, other than by
34 death or disability, prior to the member being credited with
35 twenty-two years of service shall, upon attaining retirement

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1 age for a vested member with four or more years of service
2 or upon application to the system for a vested member with
3 less than four years of service, receive a service retirement
4 allowance ~~of four~~ as calculated in the manner provided in this
5 paragraph. A vested member receiving a retirement allowance
6 pursuant to this paragraph shall receive a service retirement
7 allowance equal to one twenty-seconds of the retirement
8 allowance the member would receive at retirement if the
9 member's employment had not been terminated, and an additional
10 one twenty-second of such retirement allowance for each
11 additional year of service not exceeding based on twenty-two
12 years of service, multiplied by the number of years of service
13 credited to the member. The amount of the retirement allowance
14 shall be calculated in the manner provided in this paragraph
15 using the average final compensation at the time of termination
16 of employment.

17 Sec. 6. Section 411.6, subsection 8, paragraph c,
18 subparagraph (3), Code 2013, is amended by striking the
19 subparagraph.

20 Sec. 7. Section 411.9, subsection 2, Code 2013, is amended
21 to read as follows:

22 2. In the case of a member's death occurring on or after
23 January 1, 2007, if the member dies while performing qualified
24 military service as defined in section 414(u) of the Internal
25 Revenue Code, the survivors of the member are entitled to any
26 additional benefits, ~~other than benefit accruals relating to~~
27 ~~the period of qualified military service,~~ provided by the
28 system as if the member had resumed membership service and
29 had died as the natural and proximate result of an injury or
30 disease incurred in or aggravated by the actual performance of
31 duty at some definite time and place.

32 Sec. 8. Section 411.9, Code 2013, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 2A. In the case of a member's disability
35 incurred while performing qualified military service as defined

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1 in section 414(u) of the Internal Revenue Code, the member
2 shall be treated as a member in good standing, whether or
3 not the member returns to membership service, and shall be
4 permitted to file an application for an ordinary disability
5 retirement benefit as provided in section 411.6.

6 Sec. 9. Section 411.9, Code 2013, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 2B. In the case of a member's death or
9 disability occurring on or after January 1, 2007, if the member
10 is unable to resume membership service as a result of death or
11 disability incurred while performing qualified military service
12 as defined in section 414(u) of the Internal Revenue Code,
13 the member shall be treated as if the member had returned to
14 membership service and the period of military service shall be
15 treated as membership service.

16 Sec. 10. Section 411.23, subsection 1, Code 2013, is amended
17 to read as follows:

18 1. Commencing July 1, 1990, if an active member, in service
19 on or after that date, terminates service, other than by death
20 or disability, the member may elect to withdraw the member's
21 contributions under section 411.8, subsection 1, paragraphs "f"
22 and "h", together with interest thereon at a rate determined by
23 the board of trustees. If the member is married at the time
24 of the application for withdrawal, the application is subject
25 to the consent of the member's spouse unless the amount to be
26 withdrawn does not exceed the amount that may be withdrawn
27 without consent as established by section 401(a) of the federal
28 Internal Revenue Code. If a member withdraws contributions as
29 provided in this section, the member shall be deemed to have
30 waived all claims for other benefits from the system for the
31 period of membership service for which the contributions are
32 withdrawn.

33 Sec. 11. Section 411.36, subsection 1, paragraph a,
34 subparagraph (3), Code 2013, is amended to read as follows:

35 (3) A city treasurer, city financial officer, ~~or~~ city clerk,

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1 or other city officer involved with the management of the
2 financial matters of the city from four participating cities,
3 one of whom is from a city having a population of less than
4 thirty thousand, and three of whom are from cities having a
5 population of thirty thousand or more. The members authorized
6 pursuant to this paragraph shall be appointed by the governing
7 body of the Iowa league of cities.

8 Sec. 12. EFFECTIVE UPON ENACTMENT. The following
9 provision or provisions of this Act, being deemed of immediate
10 importance, take effect upon enactment:

11 1. The section of this Act amending section 411.9,
12 subsection 2.

13 2. The section of this Act enacting section 411.9,
14 subsection 2B.

15 3. The section of this Act amending section 411.36,
16 subsection 1.

17 Sec. 13. RETROACTIVE APPLICABILITY. The following
18 provision or provisions of this Act apply retroactively to
19 January 1, 2007:

20 1. The section of this Act amending section 411.9,
21 subsection 2.

22 2. The section of this Act enacting section 411.9,
23 subsection 2B.

24 Sec. 14. RETROACTIVE APPLICABILITY. The following
25 provision or provisions of this Act apply retroactively to
26 appointments made on or after January 1, 2013:

27 1. The section of this Act amending section 411.36,
28 subsection 1.

29 EXPLANATION

30 This bill makes changes to the Municipal Fire and Police
31 Retirement System (MFPRSI).

32 Code section 400.8, concerning entrance examinations for
33 civil service employees, is amended to provide that if a
34 conflict exists between the medical protocols established by
35 the board of trustees of MFPRSI for police and fire fighters

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1 and the entrance requirements for the Iowa Law Enforcement
2 Academy, the medical protocols established by the MFPRSI board
3 shall control.

4 Code section 411.1 is amended to define a vested member of
5 MFPRSI as a member who is eligible to receive a retirement
6 benefit by completing at least four years of service or
7 attaining age 55 while performing membership service.

8 Code section 411.5, concerning the administration of MFPRSI,
9 is amended to provide that benefits paid under MFPRSI shall
10 comply with the required beginning date and required minimum
11 distribution provisions of the federal Internal Revenue Code.

12 Code section 411.6(1), concerning calculation of a service
13 retirement benefit, is amended to provide that a vested member
14 of MFPRSI with less than 22 years of membership service is
15 entitled to receive a service retirement allowance based on the
16 number of years of service credited to the member. Current
17 law provides this service retirement allowance only to those
18 members with at least four years of service.

19 Code section 411.6(8), concerning an ordinary death benefit
20 under MFPRSI, is amended by striking the provision granting
21 to the deceased member's dependent parents, if there is no
22 surviving spouse or child, an option to elect as the death
23 benefit a monthly pension benefit in lieu of a lump sum
24 payment. The change does not eliminate the ability of a
25 deceased member's parents to receive a lump sum ordinary death
26 benefit if otherwise eligible.

27 Code section 411.9, concerning military service, is amended
28 by adding two new subsections.

29 New Code section 411.9(2A) provides that if a member's
30 disability was incurred while performing qualified military
31 service, the member shall be permitted to file an application
32 for an ordinary disability retirement regardless of whether the
33 member returned to membership service following the disability.

34 New Code section 411.9(2B) provides that if a member is
35 unable to return to membership service following the member's

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1 death or disability occurring on or after January 1, 2007,
2 while performing qualified military service, the member shall
3 be treated as having returned to membership service and the
4 period of military service shall be treated as membership
5 service for purposes of Code chapter 411. Code section
6 411.9(2) is also amended to reflect that the period of military
7 service shall be counted as membership service for purposes of
8 providing death benefits to a member who dies while performing
9 qualified military service. The bill provides that both
10 changes take effect upon enactment and apply retroactively to
11 January 1, 2007.

12 Code section 411.23(1), concerning withdrawal of
13 contributions, is amended to provide that a member who
14 terminates service and elects to withdraw the member's
15 contributions to MFPRSI shall be subject to the consent of
16 the member's spouse if the amount to be withdrawn exceeds the
17 amount that may be withdrawn as established by the federal
18 Internal Revenue Code. Currently, the maximum amount that
19 may be withdrawn without consent as provided by the federal
20 Internal Revenue Code is \$5,000.

21 Code section 411.36, concerning the board of trustees of the
22 MFPRSI, is amended to provide that the appointment of the city
23 representative of the board is not limited to individuals with
24 the title of city treasurer, city financial officer, or city
25 clerk, but instead allows the appointment of those specified
26 officers or any city officer involved with the management of
27 the financial matters of the city. The bill provides that this
28 change takes effect upon enactment and applies retroactively to
29 appointments to the board made on or after January 1, 2013.



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Senate Study Bill 1202 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to the assessment and taxation of
2 telecommunications company property and including effective
3 date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2277XC (2) 85
md/sc



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1 Section 1. Section 433.4, Code 2013, is amended to read as
2 follows:

3 **433.4 Assessment.**

4 1. The director of revenue shall on or before October 31
5 each year, proceed to find the actual value of the property
6 of these companies in this state used by the companies in the
7 transaction of telegraph and telephone business, taking into
8 consideration the information obtained from the statements
9 required, and any further information the director can obtain,
10 using the same as a means for determining the actual ~~cash~~ value
11 of the property of these companies within this state. The
12 ~~director shall also take into consideration the valuation of~~
13 ~~all property of these companies, including franchises and the~~
14 ~~use of the property in connection with lines outside the state,~~
15 ~~and making these deductions as may be necessary on account of~~
16 ~~extra value of property outside the state as compared with~~
17 ~~the value of property in the state, in order that the actual~~
18 ~~cash value of the property of the company within this state~~
19 ~~may be ascertained. The assessment shall include all property~~
20 ~~of every kind and character whatsoever, real, personal, or~~
21 ~~mixed, used by the companies in the transaction of telegraph~~
22 ~~and telephone business; and the~~ The property so included in
23 the assessment shall not be taxed in any other manner than as
24 provided in this chapter.

25 2. a. Except as provided in paragraph "c", for assessment
26 years beginning on or after January 1, 2014, a company's
27 property, excluding the property identified in paragraph "b"
28 as exempt from taxation, shall be subject to assessment and
29 taxation under this chapter by the director of revenue in
30 the same manner as property assessed and taxed as commercial
31 property under chapters 427, 427A, 427B, 428, and 441.

32 b. All of the following is exempt from taxation and shall
33 not be assessed for taxation under this chapter:

34 (1) Central office equipment.

35 (2) Qualified telephone company property. However,

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1 qualified telephone company property shall be valued and
2 included in the company's assessment for the assessment years,
3 and to the extent specified, in paragraph "c".

4 c. For assessment years beginning on or after January 1,
5 2014, the director of revenue shall include as part of the
6 actual value determined under paragraph "a" for the applicable
7 assessment year, the following:

8 (1) For the assessment year beginning January 1, 2014, an
9 amount equal to the actual value of the company's qualified
10 telephone company property that exceeds four million dollars.

11 (2) For the assessment year beginning January 1, 2015, an
12 amount equal to the actual value of the company's qualified
13 telephone company property that exceeds eight million dollars.

14 (3) For the assessment year beginning January 1, 2016, an
15 amount equal to the actual value of the company's qualified
16 telephone company property that exceeds twelve million dollars.

17 (4) For the assessment year beginning January 1, 2017, an
18 amount equal to the actual value of the company's qualified
19 telephone company property that exceeds sixteen million
20 dollars.

21 (5) For the assessment year beginning January 1, 2018, and
22 each assessment year thereafter, an amount equal to the actual
23 value of the company's qualified telephone company property
24 that exceeds twenty million dollars.

25 Sec. 2. Section 433.12, Code 2013, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 1A. As used in this chapter, "central
28 office equipment" means motor vehicles, aircraft, tools and
29 other work equipment, furniture, office equipment, general
30 purpose computers, central office switching equipment,
31 nondigital switching equipment, digital electronic switching
32 equipment, operator systems, central office transmission
33 equipment, radio systems, circuit equipment, information
34 origination and termination equipment, station apparatus,
35 customer premises wiring, large private branch exchanges,



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1 public telephone terminal equipment, and other terminal
2 equipment, within the meaning of the telecommunications
3 companies account provisions of 47 C.F.R. pt. 32, in effect on
4 the effective date of this Act.

5 NEW SUBSECTION. 3. As used in this chapter, "*qualified*
6 *telephone company property*" means poles, aerial cable,
7 underground cable, buried cable, submarine and deep sea cable,
8 intrabuilding network cable, aerial wire, and conduit systems
9 within the meaning of the telecommunications companies account
10 provisions of 47 C.F.R. pt. 32, in effect on the effective date
11 of this Act.

12 Sec. 3. Section 441.21, subsection 5, Code 2013, is amended
13 to read as follows:

14 5. For valuations established as of January 1, 1979,
15 commercial property and industrial property, excluding
16 properties referred to in section 427A.1, subsection 8, shall
17 be assessed as a percentage of the actual value of each class
18 of property. The percentage shall be determined for each
19 class of property by the director of revenue for the state in
20 accordance with the provisions of this section. For valuations
21 established as of January 1, 1979, the percentage shall be
22 the quotient of the dividend and divisor as defined in this
23 section. The dividend for each class of property shall be the
24 total actual valuation for each class of property established
25 for 1978, plus six percent of the amount so determined. The
26 divisor for each class of property shall be the valuation
27 for each class of property established for 1978, as reported
28 by the assessors on the abstracts of assessment for 1978,
29 plus the amount of value added to the total actual value by
30 the revaluation of existing properties in 1979 as equalized
31 by the director of revenue pursuant to section 441.49. For
32 valuations established as of January 1, 1979, property valued
33 by the department of revenue pursuant to chapters 428, 433,
34 437, and 438 shall be considered as one class of property and
35 shall be assessed as a percentage of its actual value. The



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1 percentage shall be determined by the director of revenue in
2 accordance with the provisions of this section. For valuations
3 established as of January 1, 1979, the percentage shall be
4 the quotient of the dividend and divisor as defined in this
5 section. The dividend shall be the total actual valuation
6 established for 1978 by the department of revenue, plus ten
7 percent of the amount so determined. The divisor for property
8 valued by the department of revenue pursuant to chapters 428,
9 433, 437, and 438 shall be the valuation established for 1978,
10 plus the amount of value added to the total actual value by
11 the revaluation of the property by the department of revenue
12 as of January 1, 1979. For valuations established as of
13 January 1, 1980, commercial property and industrial property,
14 excluding properties referred to in section 427A.1, subsection
15 8, shall be assessed at a percentage of the actual value of
16 each class of property. The percentage shall be determined
17 for each class of property by the director of revenue for the
18 state in accordance with the provisions of this section. For
19 valuations established as of January 1, 1980, the percentage
20 shall be the quotient of the dividend and divisor as defined in
21 this section. The dividend for each class of property shall
22 be the dividend as determined for each class of property for
23 valuations established as of January 1, 1979, adjusted by the
24 product obtained by multiplying the percentage determined
25 for that year by the amount of any additions or deletions to
26 actual value, excluding those resulting from the revaluation
27 of existing properties, as reported by the assessors on the
28 abstracts of assessment for 1979, plus four percent of the
29 amount so determined. The divisor for each class of property
30 shall be the total actual value of all such property in 1979,
31 as equalized by the director of revenue pursuant to section
32 441.49, plus the amount of value added to the total actual
33 value by the revaluation of existing properties in 1980. The
34 director shall utilize information reported on the abstracts of
35 assessment submitted pursuant to section 441.45 in determining



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1 such percentage. For valuations established as of January 1,
2 1980, property valued by the department of revenue pursuant
3 to chapters 428, 433, 437, and 438 shall be assessed at a
4 percentage of its actual value. The percentage shall be
5 determined by the director of revenue in accordance with the
6 provisions of this section. For valuations established as of
7 January 1, 1980, the percentage shall be the quotient of the
8 dividend and divisor as defined in this section. The dividend
9 shall be the total actual valuation established for 1979 by
10 the department of revenue, plus eight percent of the amount so
11 determined. The divisor for property valued by the department
12 of revenue pursuant to chapters 428, 433, 437, and 438 shall be
13 the valuation established for 1979, plus the amount of value
14 added to the total actual value by the revaluation of the
15 property by the department of revenue as of January 1, 1980.
16 For valuations established as of January 1, 1981, and each
17 year thereafter, the percentage of actual value as equalized
18 by the director of revenue as provided in section 441.49 at
19 which commercial property and industrial property, excluding
20 properties referred to in section 427A.1, subsection 8, shall
21 be assessed shall be calculated in accordance with the methods
22 provided herein, except that any references to six percent
23 in this subsection shall be four percent. For valuations
24 established as of January 1, 1981, and each year thereafter,
25 the percentage of actual value at which property valued by the
26 department of revenue pursuant to chapters 428, 433, 437, and
27 438 shall be assessed shall be calculated in accordance with
28 the methods provided herein, except that any references to
29 ten percent in this subsection shall be eight percent. For
30 assessment years beginning on or after January 1, 2014, the
31 percentage of actual value at which property valued by the
32 department of revenue pursuant to chapters 428, 433, 437,
33 and 438 shall be assessed shall be calculated using property
34 valuations for the applicable assessment years that include
35 the total value of property exempt from taxation under section



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1 433.4, subsection 2, paragraph "b", notwithstanding section
2 433.4, subsection 2, paragraph "c". Beginning with valuations
3 established as of January 1, 1979, and each year thereafter,
4 property valued by the department of revenue pursuant to
5 chapter 434 shall also be assessed at a percentage of its
6 actual value which percentage shall be equal to the percentage
7 determined by the director of revenue for commercial property,
8 industrial property, or property valued by the department of
9 revenue pursuant to chapters 428, 433, 437, and 438, whichever
10 is lowest.

11 Sec. 4. Section 476.1D, subsection 10, Code 2013, is amended
12 by striking the subsection.

13 Sec. 5. PROPERTY TAXATION OF TELECOMMUNICATIONS COMPANIES
14 — REPORT. The department of revenue, in consultation
15 with the department of management, representatives of the
16 telecommunications industry, and other interested stakeholders,
17 shall study the current system of assessing telecommunications
18 property and levying property tax against telecommunications
19 companies and make recommendations for changes. The
20 department of revenue shall prepare and file a report detailing
21 recommendations for changes to the current system of assessing
22 telecommunications property and levying property tax against
23 telecommunications companies. The report shall be filed by the
24 department of revenue with the chairpersons and ranking members
25 of the ways and means committees of the senate and the house
26 of representatives and with the legislative services agency by
27 January 13, 2014.

28 Sec. 6. SAVINGS PROVISION. This Act, pursuant to section
29 4.13, does not affect the operation of, or prohibit the
30 application of, prior provisions of chapter 433, or rules
31 adopted under chapter 17A to administer prior provisions of
32 chapter 433, for assessment years beginning before January 1,
33 2014, and for duties, powers, protests, appeals, proceedings,
34 actions, or remedies attributable to an assessment year
35 beginning before January 1, 2014.



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1 Sec. 7. IMPLEMENTATION. Section 25B.7 shall not apply to
2 this Act.

3 Sec. 8. EFFECTIVE DATE.

4 1. Except as provided in subsection 2, this Act takes effect
5 July 1, 2013.

6 2. The section of this Act amending section 476.1D takes
7 effect July 1, 2017.

8 Sec. 9. APPLICABILITY.

9 1. Except as provided in subsection 2, this Act applies to
10 assessment years beginning on or after January 1, 2014.

11 2. The section of this Act amending section 476.1D applies
12 to assessment years beginning on or after January 1, 2018.

13 EXPLANATION

14 This bill relates to the manner in which the property of
15 telecommunications companies is assessed and taxed.

16 The assessment provisions of current Code section
17 433.4 provide that in ascertaining the actual value of
18 telecommunications company property the director of revenue
19 shall include all property of every kind and character
20 whatsoever, real, personal, or mixed, used by the company in
21 the transaction of telegraph and telephone business.

22 The bill strikes the provisions that included all kinds and
23 character of property in the determination of actual value
24 of a company's property. Instead, the bill provides that
25 for assessment years beginning on or after January 1, 2014,
26 a company's property, excluding central office equipment and
27 qualified telephone company property, both as defined in the
28 bill, shall be subject to assessment and taxation under Code
29 chapter 433 by the director of revenue in the same manner as
30 property assessed and taxed as commercial property. The bill
31 provides, however, that for assessment years beginning on or
32 after January 1, 2014, the director of revenue shall include as
33 part of the actual value so determined for that assessment year
34 a specified amount of actual value of the company's qualified
35 telephone company property.



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1 The bill also modifies the provision relating to the
2 calculation of the assessment limitation for property valued by
3 the department of revenue pursuant to Code chapters 428, 433,
4 437, and 438 by specifying that for assessment years beginning
5 on or after January 1, 2014, such assessment limitation shall
6 be calculated using property valuations for the applicable
7 assessment years that include the total value of specified
8 telecommunications company property exempted from taxation
9 under new Code section 433.4(2)(b).

10 The bill strikes a provision in Code section 476.1D that
11 allowed certain specified long-distance telephone company
12 property to be assessed for taxation as commercial property by
13 the local assessor.

14 The bill establishes a study to be facilitated by the
15 department of revenue, in consultation with applicable
16 stakeholders, regarding property tax on telecommunications
17 companies. The department of revenue will study the current
18 system of assessing property and levying property tax
19 for telecommunications companies. A report detailing any
20 recommended changes will be filed with the chairperson and
21 ranking members of the ways and means committees of the senate
22 and the house of representatives and with the legislative
23 services agency by January 13, 2014.

24 The bill provides that the provisions in Code section 25B.7,
25 relating to the obligation of the state to reimburse local
26 jurisdictions for property tax credits and exemptions, do not
27 apply to the exemption in the bill.

28 Except for the section of the bill amending Code section
29 476.1D, the bill takes effect July 1, 2013, and applies to
30 assessment years beginning on or after January 1, 2014. The
31 section of the bill amending Code section 476.1D takes effect
32 July 1, 2017, and applies to assessment years beginning on or
33 after January 1, 2018.

34 The bill, pursuant to Code section 4.13, does not affect the
35 application of Code chapter 433 to assessment years beginning



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1 before January 1, 2014.



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Senate Study Bill 1203 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to workforce training programs and making
2 appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2138XC (3) 85
je/rj



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1 DIVISION I
2 FY 2013-2014 WORKFORCE TRAINING PROGRAM APPROPRIATIONS
3 Section 1. DEPARTMENT OF EDUCATION. There is appropriated
4 from the general fund of the state to the department of
5 education for the fiscal year beginning July 1, 2013, and
6 ending June 30, 2014, the following amount, or so much thereof
7 as is necessary, to be used for the purposes designated:
8 1. COMMUNITY COLLEGES.
9 a. For deposit in the statewide work-based learning
10 intermediary network fund created pursuant to section 256.40,
11 subsection 1:
12 \$ 3,000,000
13 b. For deposit in the workforce training and economic
14 development funds created pursuant to section 260C.18A:
15 \$ 15,500,000
16 c. For deposit in the pathways for academic career and
17 employment fund established pursuant to section 260H.2,
18 subsection 2:
19 \$ 5,000,000
20 d. For distribution to community colleges for the purposes
21 of administering, providing test materials, scoring of
22 examinations, and issuance of high school equivalency diplomas
23 under chapter 259A; administering adult basic education
24 programs; and implementing an adult literacy for the workforce
25 in Iowa program administered by the department of education:
26 \$ 7,350,000
27 (1) Of the moneys appropriated in this paragraph "d", the
28 department of education shall distribute \$2,000,000 for adult
29 basic education programs for students requiring instruction in
30 English as a second language.
31 (2) The moneys appropriated in this paragraph "d" shall be
32 allocated to community colleges pursuant to the distribution
33 formula used as of July 1, 2014, for the allocation of general
34 state financial aid to merged areas as defined in section
35 260C.2.

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1 2. ADULT LITERACY FOR THE WORKFORCE IN IOWA PROGRAM.
2 For implementation of an adult literacy for the workforce in
3 Iowa program and related leadership activities:

4 \$ 150,000

5 Sec. 2. WORKFORCE DEVELOPMENT FUND. There is appropriated
6 from the workforce development fund account established in
7 section 15.342A to the workforce development fund created in
8 section 15.343 for the fiscal year beginning July 1, 2013, and
9 ending June 30, 2014, the following amount, for purposes of the
10 workforce development fund:

11 \$ 6,000,000

12 DIVISION II

13 WORKFORCE TRAINING PROGRAMS

14 Sec. 3. Section 15.342A, Code 2013, is amended to read as
15 follows:

16 **15.342A Workforce development fund account.**

17 A workforce development fund account is established in the
18 office of the treasurer of state under the control of the
19 authority. The account shall receive funds pursuant to section
20 422.16A up to a maximum of ~~four~~ six million dollars per year.
21 The account shall also receive funds pursuant to section 15.251
22 with no dollar limitation.

23 Sec. 4. Section 15.343, subsection 2, paragraphs a and d,
24 Code 2013, are amended by striking the paragraphs.

25 Sec. 5. Section 15.343, subsection 3, paragraph a, Code
26 2013, is amended to read as follows:

27 a. ~~Three~~ Five million dollars shall be used for purposes
28 provided in section 260F.6.

29 Sec. 6. Section 256.40, Code 2013, is amended to read as
30 follows:

31 **256.40 Statewide work-based learning intermediary network —**
32 **fund — steering committee — regional networks.**

33 1. A statewide work-based learning intermediary network
34 program is established in the department and shall be
35 administered by the department. A separate, statewide

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1 work-based learning intermediary network fund is created in the
2 state treasury under the control of the department. The fund
3 shall consist of all moneys deposited in the fund, including
4 any moneys appropriated by the general assembly and any other
5 moneys available to and obtained or accepted by the department
6 from federal or private sources for purposes of the program.
7 Notwithstanding section 8.33, moneys in the fund at the end
8 of a fiscal year shall not revert to the general fund of the
9 state. Notwithstanding section 12C.7, subsection 2, interest
10 or earnings on moneys in the fund shall be credited to the
11 fund.

12 2. The purpose of the program shall be to ~~build a seamless~~
13 ~~career, future workforce, and economic development system in~~
14 ~~Iowa to accomplish all of the following~~ prepare students for
15 the workforce by connecting business and the education system
16 and offering relevant, work-based learning activities to
17 students and teachers. The program shall:

18 a. Better prepare students to make informed postsecondary
19 education and career decisions.

20 b. Provide communication and coordination in order to build
21 and sustain relationships between employers and local youth,
22 the education system, and the community at large.

23 c. Connect students to local career opportunities, creating
24 economic capital for the region using a skilled and available
25 workforce.

26 ~~d. Facilitate the sharing of best practices statewide by~~
27 ~~business and education leaders.~~

28 ~~e.~~ d. Provide a one-stop contact point for information
29 useful to both educators and employers, including a state-level
30 clearinghouse for information on internships, job shadowing
31 experiences, and other workplace learning opportunities
32 for students that are linked to the state's economic goals
33 students, particularly related to science, technology,
34 engineering, or mathematics occupations or targeted industries
35 as defined in section 15.102.

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1 ~~f. Implement services for all students, staff, and districts~~
2 ~~within the region and integrate workplace skills into the~~
3 ~~curriculum.~~

4 e. Integrate services provided through the program with
5 other career exploration-related activities such as the
6 student core curriculum plan and the career information and
7 decision-making system developed and administered under section
8 279.61, where appropriate.

9 f. Facilitate the attainment of portable credentials of
10 value to employers such as the national career readiness
11 certificate, where appropriate.

12 g. Develop work-based capacity with employers.

13 ~~h. Improve the skills of Iowa's future workforce.~~

14 ~~i.~~ h. Provide core services, which may include student job
15 shadowing, student internships, and teacher or student tours.

16 3. The department shall establish and facilitate a steering
17 committee comprised of representatives from the department of
18 workforce development, the economic development authority,
19 the community colleges, the institutions under the control of
20 the state board of regents, accredited private institutions,
21 area education agencies, school districts, and the workplace
22 learning connection. The steering committee shall be
23 responsible for the development and implementation of the
24 statewide work-based learning intermediary network.

25 4. The steering committee shall develop a design for a
26 statewide network comprised of fifteen regional work-based
27 learning intermediary networks. The design shall include
28 network specifications, strategic functions, and desired
29 outcomes. The steering committee shall recommend program
30 parameters and reporting requirements to the department.

31 5. Each regional network shall establish an advisory
32 council to ~~develop and implement~~ provide advice and assistance
33 to the regional network. The advisory council shall include
34 representatives of business and industry and shall meet at
35 least annually.



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1 6. Each regional network or consortium of networks shall
2 annually submit a work-based learning plan to the department.
3 Each plan shall include provisions to provide core services
4 referred to in subsection 2, paragraph "h", to all school
5 districts within the region and for the integration of job
6 shadowing and other work-based learning activities into
7 secondary career and technical education programs.
8 ~~6.~~ 7. a. Funds ~~Moneys~~ deposited in the statewide
9 work-based learning intermediary network fund created in
10 subsection 1 shall be distributed annually to each region
11 for the implementation of the statewide work-based learning
12 intermediary network ~~based upon the distribution of the~~
13 ~~kindergarten through grade twelve student enrollments in each~~
14 ~~region. The amount shall not exceed three dollars per student~~
15 upon approval by the department of the region's work-based
16 learning plan submitted pursuant to subsection 6.
17 b. If the balance in the statewide work-based learning
18 intermediary network fund on July 1 of a fiscal year is one
19 million dollars or less, the department shall distribute
20 moneys in the fund to regions or consortium of regions on a
21 competitive basis. If the balance in the statewide work-based
22 learning intermediary network fund on July 1 of a fiscal year
23 is greater than one million dollars, the department shall
24 distribute one hundred thousand dollars to each region and
25 distribute the remaining moneys pursuant to the distribution
26 formula used as of July 1, 2014, for the allocation of general
27 state financial aid to merged areas as defined in section
28 260C.2.
29 ~~7.~~ 8. The department shall provide oversight of the
30 statewide work-based learning intermediary network ~~and shall~~
31 ~~annually evaluate the statewide and regional network progress~~
32 ~~toward the outcomes identified by the steering committee~~
33 ~~pursuant to subsection 4.~~ The department shall require each
34 region to submit an annual report on its ongoing implementation
35 of the statewide work-based learning intermediary network

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1 program to the department.

2 ~~8.~~ 9. Each regional network shall match the ~~funds~~ moneys
3 received pursuant to subsection ~~6~~ 7 with financial resources
4 equal to at least twenty-five percent of the amount of
5 the ~~funds~~ moneys received pursuant to subsection ~~6~~ 7. The
6 financial resources used to provide the match may include
7 private donations, in-kind contributions, or public ~~funds~~
8 moneys other than the ~~funds~~ moneys received pursuant to
9 subsection ~~6~~ 7.

10 10. The state board of education shall adopt rules under
11 chapter 17A for the administration of this section.

12 Sec. 7. Section 260C.18A, subsection 2, paragraph e, Code
13 2013, is amended by striking the paragraph.

14 Sec. 8. Section 260F.6, subsection 2, Code 2013, is amended
15 to read as follows:

16 2. To provide funds for the present payment of the costs
17 of a training program by the business, the community college
18 may provide to the business an advance of the moneys to be used
19 to pay for the program costs as provided in the agreement.
20 To receive the funds for this advance from the job training
21 fund established in subsection 1, the community college shall
22 submit an application to the economic development authority.
23 The amount of the advance shall not exceed ~~twenty-five~~ fifty
24 thousand dollars for any business site, or ~~fifty one hundred~~
25 thousand dollars within a three-fiscal-year period for any
26 business site. If the project involves a consortium of
27 businesses, the maximum award per project shall not exceed
28 ~~fifty one hundred~~ thousand dollars. Participation in a
29 consortium does not affect a business site's eligibility for
30 individual project assistance. Prior to approval a business
31 shall agree to match program amounts in accordance with
32 criteria established by the authority.

33 Sec. 9. Section 260H.2, Code 2013, is amended to read as
34 follows:

35 **260H.2 Pathways for academic career and employment program**

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1 — **fund.**

2 1. A pathways for academic career and employment program
3 is established to provide funding to community colleges for
4 the development of projects in coordination with the economic
5 development authority, the department of education, the
6 department of workforce development, regional advisory boards
7 established pursuant to section 84A.4, and community partners
8 to implement a simplified, streamlined, and comprehensive
9 process, along with customized support services, to enable
10 eligible participants to acquire effective academic and
11 employment training to secure gainful, quality, in-state
12 employment.

13 2. a. A pathways for academic career and employment fund
14 is created for the community colleges in the state treasury to
15 be administered by the department of education. The moneys
16 in the pathways for academic career and employment fund are
17 appropriated to the department of education for the pathways
18 for academic career and employment program.

19 b. The aggregate total of grants awarded from the pathways
20 for academic career and employment fund during a fiscal year
21 shall not be more than five million dollars.

22 c. Moneys in the fund shall be allocated pursuant to the
23 formula established in section 260C.18C. Notwithstanding
24 section 8.33, moneys in the fund at the close of the fiscal
25 year shall not revert to the general fund of the state but
26 shall remain available for expenditure for the purpose
27 designated for subsequent fiscal years. Notwithstanding
28 section 12C.7, subsection 2, interest or earnings on moneys in
29 the fund shall be credited to the fund.

30 Sec. 10. Section 260H.3, subsection 1, paragraph b, Code
31 2013, is amended to read as follows:

32 b. Persons earning incomes at or below two hundred fifty
33 percent of the federal poverty level as defined by the most
34 recently revised poverty income guidelines published by the
35 United States department of health and human services.

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1 Sec. 11. Section 260H.4, subsection 2, paragraph b, Code
2 2013, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (5) Any other industry designated as
4 in-demand by a regional advisory board established pursuant to
5 section 84A.4.

6 Sec. 12. Section 260H.4, subsection 2, paragraph c, Code
7 2013, is amended by striking the paragraph.

8 Sec. 13. NEW SECTION. **260H.7A Pathway navigators.**

9 1. A community college may use moneys for the pathways
10 for academic career and employment program to employ pathway
11 navigators to assist students applying for or enrolled in
12 eligible pathways for academic career and employment projects.

13 2. Pathway navigators shall provide services and support
14 to aid students in selecting pathways for academic career and
15 employment projects that will result in gainful, quality,
16 in-state employment and to ensuring students are successful
17 once enrolled in pathways for academic career and employment
18 projects. Services the pathway navigators may provide include
19 but are not limited to the following:

20 a. Interviewing and selecting students for enrollment in
21 pathways for academic career and employment projects.

22 b. Assessing students' skills, interests, and previous
23 academic and work experience for purposes of placement in
24 pathways for academic career and employment projects.

25 c. Working with students to develop academic and career
26 plans and to adjust such plans as needed.

27 d. Assisting students in applying for and receiving
28 resources for financial aid and other forms of tuition
29 assistance.

30 e. Assisting students with the admissions process, remedial
31 education, academic credit transfer, meeting assessment
32 requirements, course registration, and other procedures
33 necessary for successful completion of pathways for academic
34 career and employment projects.

35 f. Assisting in identifying and resolving obstacles to

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1 students' successful completion of pathways for academic career
2 and employment projects.

3 *g.* Connecting students with useful college resources
4 or outside support services such as access to child care,
5 transportation, and tutorial assistance, as needed.

6 *h.* Maintaining ongoing contact with students enrolled
7 in pathways for academic career and employment projects and
8 ensuring students are making satisfactory progress toward the
9 successful completion of projects.

10 *i.* Providing support to students transitioning from remedial
11 education, short-term training, and classroom experience to
12 employment.

13 *j.* Coordinating activities with community-based
14 organizations that serve as key recruiters for pathways for
15 academic career and employment projects and assisting students
16 throughout the recruitment process.

17 *k.* Coordinating adult basic education services.

18 Sec. 14. NEW SECTION. **260H.7B Regional industry sector**
19 **partnerships.**

20 1. A community college may use moneys for the pathways for
21 academic career and employment program to provide staff and
22 support for the development and implementation of regional
23 industry sector partnerships within the region served by the
24 community college.

25 2. Regional, industry sector partnerships may include but
26 are not limited to the following activities:

27 *a.* Bringing together representatives from industry sectors,
28 government, education, local workforce boards, community-based
29 organizations, labor, economic development organizations,
30 and other stakeholders within the regional labor market to
31 determine how pathways for academic career and employment
32 projects should address workforce skills gaps, occupational
33 shortages, and wage gaps.

34 *b.* Integrating pathways for academic career and employment
35 projects and other existing supply-side strategies with

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1 workforce needs within the region served by the community
2 college.

3 *c.* Developing pathways for academic career and employment
4 projects that focus on the workforce skills, from entry level
5 to advanced, required by industry sectors within the region
6 served by the community college.

7 Sec. 15. Section 260I.4, subsection 6, Code 2013, is amended
8 to read as follows:

9 6. Eligibility for tuition assistance under this chapter
10 shall be limited to persons earning incomes at or below
11 two hundred fifty percent of the federal poverty level as
12 defined by the most recently revised poverty income guidelines
13 published by the United States department of health and human
14 services.

15 Sec. 16. Section 260I.5, Code 2013, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 5. Costs of providing direct staff
18 support services including but not limited to marketing,
19 outreach, application, interview, and assessment processes.
20 Eligible costs for this purpose shall be limited to twenty
21 percent of any allocation of moneys to the two smallest
22 community colleges, ten percent of any allocation of moneys
23 to the two largest community colleges, and fifteen percent of
24 any allocation of moneys to the remaining eleven community
25 colleges. Community college size shall be determined based on
26 the most recent three-year rolling average full-time equivalent
27 enrollment.

28 Sec. 17. Section 422.16A, Code 2013, is amended to read as
29 follows:

30 **422.16A Job training withholding — certification and**
31 **transfer.**

32 Upon the completion by a business of its repayment
33 obligation for a training project funded under chapter
34 260E, including a job training project funded under section
35 15A.8 or repaid in whole or in part by the supplemental new

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1 jobs credit from withholding under section 15A.7 or section
2 15E.197, the sponsoring community college shall report to
3 the economic development authority the amount of withholding
4 paid by the business to the community college during the
5 final twelve months of withholding payments. The economic
6 development authority shall notify the department of revenue
7 of that amount. The department shall credit to the workforce
8 development fund account established in section 15.342A
9 twenty-five percent of that amount each quarter for a period
10 of ten years. If the amount of withholding from the business
11 or employer is insufficient, the department shall prorate the
12 quarterly amount credited to the workforce development fund
13 account. The maximum amount from all employers which shall be
14 transferred to the workforce development fund account in any
15 year is ~~four~~ six million dollars.

16 EXPLANATION

17 This bill relates to workforce training programs, including
18 making appropriations for workforce training programs for
19 fiscal year 2013-2014. The bill is organized into divisions.

20 FY 2013-2014 WORKFORCE TRAINING APPROPRIATIONS. The bill
21 appropriates moneys from the general fund of the state to the
22 department of education for deposit in the statewide work-based
23 learning intermediary network fund established pursuant to Code
24 section 256.40.

25 The bill appropriates moneys from the general fund of
26 the state to the department of education for deposit in the
27 workforce training and economic development funds created
28 pursuant to Code section 260C.18A.

29 The bill appropriates moneys from the general fund of
30 the state to the department of education for deposit in the
31 pathways for academic career and employment fund established
32 pursuant to Code section 260H.2.

33 The bill appropriates moneys from the general fund of
34 the state to the department of education for distribution
35 to community colleges for the purposes of administering,

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1 providing test materials, scoring of examinations, and
2 issuance of high school equivalency diplomas under Code
3 chapter 259A; administering adult basic education programs;
4 and implementing an adult literacy for the workforce in Iowa
5 program administered by the department of education. The bill
6 requires the department of education to distribute a portion
7 of such moneys for adult basic education programs for students
8 requiring instruction in English as a second language. The
9 department is required to allocate the moneys pursuant to
10 the distribution formula used as of July 1, 2014, for the
11 allocation of general state financial aid to merged areas, as
12 defined in Code section 260C.2.

13 The bill appropriates moneys from the general fund of the
14 state to the department of education for implementation of an
15 adult literacy for the workforce in Iowa program and related
16 leadership activities.

17 The bill appropriates moneys from the workforce development
18 fund account established pursuant to Code section 15.342A to
19 the workforce development fund created pursuant to Code section
20 15.343.

21 WORKFORCE TRAINING PROGRAMS. The bill increases the maximum
22 amount that can be transferred to the workforce development
23 fund account established pursuant to Code section 15.342A
24 for job training withholding moneys pursuant to Code section
25 422.16A relating to certain job training programs. The bill
26 provides that additional moneys in the workforce development
27 fund can be used for the purposes of job training under Code
28 chapter 260F. The bill makes changes relating to the purposes
29 for which moneys in the workforce development fund can be used.
30 The bill also increases the amount that a community college can
31 advance to a business or consortium of businesses to cover the
32 cost of job training under Code chapter 260F.

33 The bill makes various changes to the statewide work-based
34 learning intermediary network program under Code section
35 256.40, including modifying the purposes of the program and

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1 the duties of the steering committee, regional networks, and
2 regional advisory councils for the program; establishing
3 requirements for the distribution of funds in the statewide
4 work-based learning intermediary network fund; establishing
5 annual planning and reporting requirements; and establishing
6 rulemaking authority for the program.

7 The bill makes various changes to the pathways for academic
8 career and employment program under Code chapter 260H. The
9 bill establishes a pathways for academic career and employment
10 fund in the state treasury for the community colleges to be
11 administered by the department of education. Moneys in the
12 fund shall be allocated pursuant to the formula established
13 in Code section 260C.18C. The bill makes changes relating
14 to eligibility criteria for the program. The bill provides
15 that funds for the program can be used by community colleges
16 to employ pathway navigators to provide various services to
17 aid students in selecting pathways for academic career and
18 employment projects that will result in gainful, quality,
19 in-state employment and to ensure students are successful once
20 enrolled in such projects. The bill provides that funds for
21 the program can be used by community colleges to establish
22 regional industry sector partnerships. Partnerships may
23 include various activities to further the ability of pathways
24 for academic career and employment projects to meet the
25 workforce needs of industry sectors within the region served
26 by a community college.

27 The bill makes changes to the gap tuition assistance program
28 under Code chapter 260I. The bill modifies eligibility
29 criteria for the program and costs eligible for coverage by
30 tuition assistance under the program.